

NAYS—7.

Finch,
Frank,
KearbyKimbrough
Potter,Simkins,
Whitley.

Senator Pope moved to further suspend the constitutional rule requiring a bill to be read on three several days and the bill put upon its third reading and final passage.

Adopted by the following vote:

YEAS—24.

Atlee,
Burney,
Carter,
Clark,
Crane,
Cranford,
Finch,
Frank,Garwood,
Glasscock,
Johnson,
Kearby,
Kimbrough,
Lubbock,
Maetze,
McKinney,Mott,
Pope,
Potter,
Seale,
Simkins,
Stephens,
Tyler,
Whitley.

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—17.

Atlee,
Burney,
Carter,
Clark,
Crane,
Cranford,Garwood,
Glasscock,
Johnson,
Lubbock,
Maetze,
McKinney,Mott,
Pope,
Seale,
Stephens,
Tyler.

NAYS—7.

Finch,
Frank,
Kearby,Kimbrough,
Potter,Simkins,
Whitley.

Senator Pope moved to adjourn to 10 a. m. tomorrow.

Senator Potter moved to adjourn to 8 o'clock this afternoon.

Senator Pope's motion prevailed by the following vote:

YEAS—18.

Atlee,
Burney,
Carter,
Clark,
Crane,
Frank,Garwood,
Glasscock,
Johnson,
Kimbrough,
Lubbock,
Maetze,McKinney,
Mott,
Pope,
Seale,
Simkins,
Tyler,
Whitley.

NAYS—5.

Cranford,
Finch,Kearby,
Potter,

Stephens.

FORTY-SIXTH DAY.

SENATE CHAMBER.
Austin, March 7, 1891.

Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

No quorum present.

The following Senators answered to their names:

PRESENT—19.

Atlee,
Burney,
Clark,
Crane,
Cranford,
Finch,
Frank,Glasscock,
Johnson,
Kearby,
Kimbrough,
Maetze,
McKinney,
Pope.Potter,
Seale,
Stephens,
Townsend,
Tyler,
Whitley.

ABSENT—5.

Carter,
Garwood,Lubbock,
Mott,

Simkins,

Senator Stephens moved a call of the Senate, which was ordered.

The following Senators answering to their names:

PRESENT—23.

Atlee,
Burney,
Clark,
Crane,
Cranford,
Finch,
Frank,
Garwood,Glasscock,
Johnson,
Kearby,
Kimbrough,
Lubbock,
Maetze,
McKinney,
Pope,Potter,
Seale,
Simkins,
Stephens,
Townsend,
Tyler,
Whitley.

ABSENT—5.

Carter,
Garwood,Lubbock,
Mott,

Simkins,

Quorum present.

On motion of Senator Frank the call was suspended.

Prayer by the chaplain, Dr. Smoot.

Pending the reading of the journal, on motion of Senator Stephens, the further reading of the same was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Stephens:

Memorial from officers of Concho county, praying for the passage of a law validating records of land titles made in San Saba county, to which Concho was formerly attached.

Read first time and referred to committee on Counties and County Boundaries.

By Senator Maetze:

Petition of citizens of Lee county, demanding the repeal of all Sunday laws, as being obnoxious to every principle of American liberty.

Read first time and referred to Judiciary committee No. 2.

The following reports were handed in from their respective committees:

COMMITTEE ROOM.

Austin, March 7, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Judicial Districts, to whom was referred

Senate bill No. 448, being "An act to reorganize the Thirty-ninth judicial districts and to create the Fiftieth judicial district of the State of Texas; to fix the time for holding courts therein; to provide for the appointment and election of a judge and district attorney in the Fiftieth judicial district, and to repeal all laws in conflict therewith,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with the attached amendment.

TOWNSEND, Chairman.

COMMITTEE ROOM,
Austin, March 8, 1891.

Hon. George C. Pendleton, President
of the Senate:

Sir—Your committee on Finance, to
whom was referred

House bill No. 64, being "An act to
amend article 2976, 2977 and 2980, title
54 of revised civil statutes relating to
interest,"

Have had the same under considera-
tion and I am instructed to report the
same back to the Senate with the rec-
ommendation that it do pass with the
following amendment:

Strike out proviso to article 2976.

CRANFORD, Acting Chairman.

COMMITTEE ROOM,
Austin, March 7, 1891.

Hon. Geo. C. Pendleton, President of
the Senate:

Sir—Your committee on Internal
Improvements, to whom was referred
House Substitute for Substitute House
bills Nos. 1, 3, and 58, being "An act
to establish a railroad commission for
the State of Texas whereby discrimi-
nations and extortion in railroad
charges may be prevented and reason-
able freight and passenger tariffs may
be established; to provide and author-
ize the making of rules and regula-
tions to govern the commission and
the railroads, and afford railroad com-
panies and other parties adequate
remedies, to prescribe penalties for the
violation of this act and to provide
means and rules for its enforcement,"

Have had the same under consider-
ation and I am instructed to report
the same back to the Senate with the
recommendation that it be considered
in connection with Senate Substitute
bills Nos. 52 and 54.

JOHNSON, Chairman.

COMMITTEE ROOM,
Austin, March 6, 1891.

Hon. Geo. C. Pendleton, President of
the Senate:

Sir—Your Judiciary Committee No.
1, to whom was referred

Senate bill No. 336, being "An act
to amend section 1 of an act to author-
ize counties to fund their indebtedness,
and to provide means to pay the
same." approved May 4, 1889.

Have had the same under considera-
tion, and I am instructed to report
the same back to the House with the
recommendation that it do pass.

POPE, Chairman.

COMMITTEE ROOM,

Austin, March 6, 1891.

Hon. George C. Pendleton, President
of the Senate:

Sir—Your Judiciary committee No.
1, to whom was referred

Senate bill No. 334, being "An act to
provide the place and time of sale of
all real estate hereafter to be sold un-
der power conferred by any deed of
trust or other contract lien,"

Have had the same under considera-
tion and I am instructed to report the
same back to the House with the rec-
ommendation that it do pass.

POPE, Chairman.

COMMITTEE ROOM,
Austin, March 6, 1891.

Hon. Geo. C. Pendleton, President of
the Senate:

Sir—Your Judiciary committee No.
1, to whom was referred

Senate bill No. 318, being "An act to
authorize the republication of certain
laws of Coahuila and Texas; the ordi-
nances and decrees of the general
council of Texas; the general and
special laws of the congress of the Re-
public of Texas, and the general and
special laws of the several legislatures
of the State of Texas to and inclusive
of 1876, and to make an appropriation
therefor,"

Have had the same under consider-
ation, and I am instructed to report
he same back to the Senate with the
recommendation that it do pass.

POPE, Chairman.

COMMITTEE ROOM,
AUSTIN, March 6, 1891.

Hon. George Pendleton, President of
the Senate

Sir—Your Judiciary committee No.
1, to whom was referred

House bill No. 387, being "An act
to restore to and confer upon the
county courts of Marion and McCul-
loch counties the civil jurisdiction
heretofore belonging to said counties
under the constitution and general
statutes of the state and to conform
the jurisdiction of the district courts
of said counties to such change,"

Have had the same under consider-
ation, and I am instructed to report
the same back to the House, with the
recommendation that it do pass.

POPE, Chairman.

COMMITTEE ROOM,
Austin, March 7, 1891.

Hon. George C. Pendleton, President
of the Senate:

Sir—Your Judiciary committee No.
1, to whom was referred

Senate bill No. 164, being "An act to
provide for the recording of certified
copies of records of deeds in certain
cases and to prescribe the effect of
such registration,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

POPE, Chairman.
COMMITTEE ROOM,
Austin, March 6, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 1, to whom was referred

Senate bill No. 314, being "An act rendering certain persons incompetent to become officers or aldermen of any city in the state of Texas and to disqualify such persons to hold such office or being such alderman,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

POPE, Chairman.
COMMITTEE ROOM,
Austin, March 6, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 1, to whom was referred

House bill No. 234, being "An act validating the records of deeds, judgments and other muniments of title conveying or affecting land in Archer, Wichita, Wilbarger, Baylor, Hardeman and Knox counties between February 10, 1874, and April 23, 1879,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

POPE, Chairman.
COMMITTEE ROOM,
AUSTIN, March 6, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 247, being "An act to amend article 2301, title 62, chapter 1, of the Revised Statutes of the state of Texas, relating to limitation, by limiting the time during which disabilities will continue to a period of twenty years,"

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do pass.

POPE, Chairman.
COMMITTEE ROOM,
Austin, March 6, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Judicial Districts, to whom was referred

House bill No. 413, being "An act to

amend section 5 of an act approved April 2, 1887, entitled An act to amend section 5 of an act approved February 6, 1884, entitled An act to amend sections 5, 7, 26 and 39 of an act entitled An act to redistrict the State into judicial districts, and to fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in February, 1884. Approved April 9, 1883,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

TOWNSEND, Chairman.

COMMITTEE ROOM,
Austin, March 6, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on State Affairs to whom was referred

Senate bill No. 335, being "An act to be entitled an act to regulate voting in cities and towns of five thousand inhabitants or more,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WHATLEY, Chairman.

COMMITTEE ROOM,
Austin, March 6, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on State Affairs, to whom was referred

Senate bill No. 325, being an act to be entitled "An act to amend article 816, chapter 3, title 18, of the penal code, revised civil statutes of the State of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WHATLEY, Chairman.

COMMITTEE ROOM,
Austin, March 6, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on State Affairs, to whom was referred

Senate bill No. 341, being an act to be entitled "An act to provide for the printing and publishing certain volumes of the decisions of the su-

preme court for the state of Texas, and to make an appropriation for the payment thereof."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WHATLEY, Chairman.

COMMITTEE ROOM,
Austin, March 6, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate bill No. 185, being "An act to amend chapter 2 of title 7 of the criminal code of the State of Texas by adding thereto article 187a, limiting the operation of said chapter 2 to the hours between the hour of 9 a. m. and the hour of 4 p. m."

And find the same correctly engrossed.

KIMBROUGH, Acting Chairman.

COMMITTEE ROOM,
Austin, March 7, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate bill No. 26, being "An act to relieve railroad companies chartered under the revised statutes of Texas, which have in good faith constructed any part of their roads prior to the first day of January, 1889, from the operation of articles 605 and 4218, of the revised statutes, as to the road so constructed,"

And find the same correctly engrossed.

KIMBROUGH, Acting Chairman.

COMMITTEE ROOM,
Austin, March 5, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate bill No. 161, being "An act to amend section 47 of chapter 25, called session of the Eighteenth Legislature, being an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3 of title 78 of the revised civil statutes of Texas as refer to the public free schools outside of incorporated cities and towns assum-

ing, or having assumed, control of their public free schools,"

And find the same correctly engrossed.

KIMBROUGH, Acting Chairman.

COMMITTEE ROOM,
Austin, March 6, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Labor, to whom was referred

Senate bill No. 340, being "An act to create a Bureau of Labor and Labor Statistics for the State of Texas, to properly designate said department and its head and to prescribe the duties belonging and appertaining thereto,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass

LUBBOCK, Chairman.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
Austin, March 7, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am directed to inform the Senate that the House has passed House bill No. 511, being "An act to amend articles 3375 and 3376 of the Revised Civil Statutes of Texas." Ayes 78, noes none.

SAM H. DIXON,
Chief Clerk House of Representatives.

BILLS AND RESOLUTIONS.

By Senator Kearby:

A bill to be entitled "An act to amend chapter 9, article 3600, revised civil statutes relating to costs of officers in certain criminal cases.

Read first time and referred to Judiciary Committee No. 2.

Senator Pope called up the following resolution offered by him on March 4:

Resolved by the Senate, the House concurring, that we congratulate the people of this Union at the demise of the Fifty-first Congress, which occurred today.

Adopted

Senator Kearby offered the following resolution:

Whereas, the judges of the inferior federal courts in many instances have presumed to have and to exercise the power to declare statute laws of the state, passed in conformity with the constitution of said states, to be void

and of no effect within said state and have attempted to prevent state officers from obeying the commands of their state laws and by virtue of the writ of *habeas corpus* denied the right of the states to try its citizen for the highest crimes known to the laws for offenses committed against the laws of such state and turned them loose without a trial by the state, and whereas we believe that these encroachments are assuming proportion which threaten our free and constitutional form of government and sets at defiance the boast and pride of every American citizen and which has for more than a century been an integral part of our constitution, which declares that "the American Colonies are, and of right ought to be, free and independent States, and whereas, these courts obtain their authority from the congress of the United States. Therefore, be it resolved, by the Senate of Texas, the House of Representatives concurring, that we most earnestly urge and request our senators and representatives in congress, to use their influence and energy to repeal the laws establishing these inferior federal courts or so modify the laws as to confine their jurisdiction to admiralty and maritime cases.

Lost by the following vote:

YEAS—11.

Burney,	Kearby,	Stephens,
Clark,	Kimbrough,	Tyler.
Cranford,	Lubbock,	Whatley,
Glasscock,	Maetze,	

NAYS—12.

Carter,	Johnson,	Seale.
Crane,	McKinney.	Simkins,
Frank,	Pope,	Townsend,
Garwood,	Potter.	

Senator Pope moved to reconsider the vote by which Senator Kearby's resolution was lost, and that his motion be spread on the Journal.

Senator Stephens offered the following joint resolution:

To amend section 8, article 5 of the constitution of the State of Texas:

Be it resolved by the Legislature of the State of Texas, That section 8, article 5, of the State constitution be so amended as to read as follows:

The district court shall have original jurisdiction in all criminal cases of the grade of felony; of all suits in behalf of the State to recover penalties, forfeitures and escheats; of all cases of divorce; in cases of misdemeanor involving official misconduct; of all suits to recover damages for slander or defamation of character; of all

suits for the trial of title to land and for the enforcement of all liens thereon; of all suits for trial of right to property levied on by virtue of any writ of execution; sequestration or attachment when the property levied on shall be equal to or exceed in value \$500, and of all suits complaints or pleas whatever, without regard to any distinction between law and equity, when the matter in controversy shall be valued at or amount to \$500 exclusive of interest; and to try all suits of contested elections; and shall have jurisdiction to revise, correct or set aside all orders, judgments or decrees of the county commissioners court of this State.

The district courts shall have appellate jurisdiction and general control in probate matters of the county court established in each county, for appointing guardians, granting letters testamentary and of administration, for settling the accounts of executors, administrators and guardians, and for the transaction of business appertaining to estates, and original jurisdiction and general control over executors, administrators, guardians and minors under such regulations as may be prescribed by the Legislature.

Read first time and referred to committee on Constitutional Amendments.

Senator Glascock moved to suspend pending business, and take up out of its regular order,

House bill No. 15, entitled "An act to incorporate the city of Austin, and to grant it a new charter."

Adopted by the following vote.

YEAS—23.

Burney,	Glasscock,	Potter,
Carter,	Johnson,	Seale,
Clark,	Kearby,	Simkins,
Crane,	Kimbrough,	Stephens.
Cranford,	Lubbock,	Townsend,
Fi ch,	Maetze,	Tyler.
Frank,	McKinney,	Whatley.
Garwood,	Pope,	

NAYS—None.

Bill read second time with the following committee report and amendments:

COMMITTEE REPORT.

COMMITTEE ROOM,
Austin, March 6, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Incorporated Cities and Towns to whom was referred

House bill No. 15, being "An act to incorporate the city of Austin and grant it a new charter."

Have had the same under consideration and I am instructed by said committee to report the same back to the Senate with the recommendation that it do pass with the following amendments:

1. Amend section 37 by adding thereto the following: "For all purposes enumerated in this charter, including general taxes, school taxes and local assessments for local improvements." Also amend section 41 by inserting after the word "shall," in line 9, page 24, the word "not." Further amend section 41 by adding thereto the following: "But any owner of property, his agent or attorney, who is dissatisfied with the appraisalment of his property by the board of equalization, shall have the right to appeal therefrom to the county court; that, in case of an appeal, the person appealing shall do so by giving notice thereof to the board of equalization within five days after the board of equalization shall have concluded its labors by communication in writing to said board and said appeal shall be presented to the first term of the county court thereafter."

3. Amend by striking out all of sections 54 to and including section 81, and number sections of bill to correspond thereto.

4. Amend subdivision 30 of section 88 by striking out all after the word "city" in line 6.

5. Amend by striking out all of section 80 of said bill.

6. Amend by adding section 156 to read as follows: Nothing herein contained shall ever be construed to in any manner suspend, modify or abridge any penal statute of this State, but the penal laws of this State shall ever be in full force and effect and in no manner repealed or suspended by any provision of this act, but the city may enact any ordinance not in conflict with the penal laws of this state.

7. Amend by adding 157 to read as follows: That the additional territory added to the city of Austin and not heretofore embraced within the old corporate limits of Austin, shall not be charged with or made liable for any debts of the city of Austin incurred prior to the first day of May, A. D., 1890.

8. Amend by inserting after the

word "appliances" on page 83, lines 29 and 30, the words "or shall in any manner injure or destroy the dam now in process of construction or that may hereafter be constructed or any casement, appurtenance or appurtenances necessary for the use and enjoyment of the same."

POTTER, Chairman.

Senator Kearby offered the following amendment:

Amend section 52 by adding to the end thereof the following proviso. "Provided, that whenever the city council has once established a grade for any street, sidewalk, alley, park or public ground and any owner of property abutting thereon has improved such property to conform to such grade, then the council shall not have authority to change such grade, except by consent of a majority of the owners, by feet frontage, of the property in front of which it is proposed to change such established grade."

Upon which the following vote was taken:

YEAS—11.

Crane,
Cranford,
Finch,
Frank,

Johnson,
Kearby,
Kimbrough,
Lubbock,

Potter,
Stephens,
Whatley,

NAYS—11.

Burney,
Carter,
Clark,
Garwood,

Glasscock,
Meatze,
McKlauey,
Pope,

Seale,
Simkins,
Townsend.

There being a tie the president voted aye and the amendment was adopted.

Senator Kearby offered the following amendment:

Amend by adding the following:

Provided that nothing herein shall be so construed as to include any territory known as South Austin.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,)
TWENTY-SECOND LEGISLATURE,)
Austin, March 13, 1891.)
Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am directed to inform the Senate that the House has refused to concur in Senate amendments to House bill No. 52, known as the slaughter house bill, and ask for a conference committee on the same, and that Messrs. Baker of Tom Green, Williamson, Rogers, Swan, Lindsey have been appointed on said conference committee on the part of the House.

Also that the House has passed Sen-

ate bill No. 172, "An act to provide an annual pension of \$150 for M. B. Irwin, a surviving soldier of the Texas revolution;" ayes 76, noes 1.

That the House insists on its amendments to Senate bill No. 97, known as the separate coach bill, and grants the request of the Senate for a conference committee and appoints Messrs. Connellee, Oliver, Truit, Murrell and Curry as such committee on the part of the House.

SAM H. DIXON,

Chief Clerk House of Representatives.

The request of the House for a conference committee on Senate amendments to House bill No. 52 was granted, and the chair appointed Senators Burney, Sims, McKinney, Frank and Kimbrough as such committee on the part of the Senate.

The following message was received from His Excellency the Governor:

EXECUTIVE OFFICE,
Austin, March 6, 1891.

To the Senate of the State of Texas:

I ask your advice and consent to the appointment of W. B. Walker, F. T. Riche, Henry E. Shelley, L. Shackelford and I. Stein of Travis county as managers of the Texas Confederate Home.

Respectfully,

J. S. HOGG,
Governor of Texas.

Senator Glasscock moved the previous question on the pending amendment and the bill, which was adopted and the main question ordered.

Senator Kearby's amendment was lost.

The bill was passed to a third reading.

Senator Glasscock moved to suspend the constitutional rule requiring a bill to be read on three several days and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—21.

Burney,	Garwood,	Pope,
Carter,	Glasscock,	Potter,
Clark,	Johnson,	Seale,
Crane,	Kearby,	Simkins,
Cranford,	Kimbrough,	Stephens,
Finch,	Maetze,	Townsend,
Frank,	McKinney,	Whatley.

NAYS—1.

Lubbock.

Bill read third time and passed by the following vote:

YEAS 21.

Burney,	Garwood,	Potter,
Carter,	Glasscock,	Seale,

Clark,	Johnson,	Simkins,
Crane,	Kimbrough,	Stephens,
Cranford,	Maetze,	Townsend,
Finch,	McKinney,	Tyler,
Frank,	Pope,	Whatley.

NAYS—2.

Kearby, Lubbock.

We vote no on the Austin charter because one provision contains an extension of its present limits to cover territory known as South Austin, an incorporated town under the general laws of the state, and which town protested against that part of the said "Austin Charter."

LUBBOCK,
KEARBY.

Senator Townsend moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Motion to table was adopted.

House bill No. 142, entitled "An act to fix the time for holding the district court in the Twenty-fourth judicial district."

Read third time and passed.

Senator Kearby called up the motion to reconsider the vote by which the Senate refused to engross Senate bill No. 313.

Upon the motion to reconsider the following vote was taken:

YEAS—17.

Burney,	Kearby,	Simkins,
Clark,	Kimbrough,	Stephens,
Cranford,	Lubbock,	Townsend,
Frank,	Maetze,	Tyler,
Garwood,	Pope,	Whatley.
Johnson,	Seale,	

NAYS—3.

Crane, Finch, Potter.

No quorum voting.

Senator Kimbrough moved a call of the Senate, which was ordered.

The following senators answered to their names:

PRESENT—21.

Burney,	Garwood,	Potter,
Carter,	Glasscock,	Seale,
Clark,	Kearby,	Simkins,
Crane,	Kimbrough,	Stephens,
Cranford,	Maetze,	Townsend,
Finch,	McKinney,	Tyler,
Frank,	Pope,	Whatley.

On motion of Senator Lubbock, Senator Mott was excused for today on account of important business.

On motion of Senator Johnson, Senator Atlee was excused for today on account of important business.

On motion of Senator Seale Senator Sims was excused indefinitely on account of illness in his family.

On motion of Senator Finch the call was suspended.

Question recurring to the motion to reconsider the vote by which the Senate refused to engross Senate bill No. 313 it was adopted by the following vote:

YEAS—21.

Burney,	Glasscock,	Pope,
Carter,	Johnson,	Seale,
Clark,	Kearby,	Simkins,
Crane,	Kimbrough,	Stephens,
Cranford,	Lubbock,	Townsend,
Frank,	Maetze,	Tyler,
Garwood,	McKinney,	Whatley.

NAYS—2.

Finch,	Potter.
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(Senator Lubbock in the chair.)

Senator Potter moved the previous question on the engrossment of the bill, which was ordered.

The bill was ordered engrossed by the following vote:

YEAS—15.

Atlee,	Kearby,	Seale,
Cranford,	Kimbrough,	Simkins,
Garwood,	Lubbock,	Stephens,
Glasscock,	Maetze,	Townsend,
Johnson,	Pope,	Tyler.

NAYS—9.

Burney,	Crane,	McKinney,
Carter,	Finch,	Potter,
Clark,	Frank,	Whatley.

Senator Seale asked and obtained unanimous consent to postpone pending business and take up out of its regular order House bill No. 517, entitled "An act to extend the corporate limits of the city of Beaumont."

Bill read second time and passed to third reading.

Senator Seale moved to suspended the constitutional rule requiring a bill to be read on three several days and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—24.

Atlee,	Garwood,	Pope,
Burney,	Glasscock,	Potter,
Carter,	Johnson,	Seale,
Clark,	Kearby,	Simkins,
Crane,	Kimbrough,	Stephens,
Cranford,	Lubbock,	Townsend,
Finch,	Maetze,	Tyler,
Frank,	McKinney,	Whatley.

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—22.

Atlee,	Glasscock,	Pope,
Burney,	Johnson,	Potter,
Carter,	Kearby,	Seale,
Clark,	Kimbrough,	Simkins,
Crane,	Lubbock,	Stephens,
Finch,	Maetze,	Townsend,
Frank,	McKinney,	Whatley.

NAYS—None.

Senator Townsend moved to suspend pending business and take up Senate bill No. 276, for the purpose of making it special order.

Adopted.

On motion of Senator Townsend, Senate bill No. 276, entitled "An act to regulate corporations engaged in the business of guaranteeing or acting as security for the fidelity of persons in public and private offices, employment or positions, and the agents of such corporations, and prescribing penalties for failure to comply with the provisions thereof,"

Was made special order for Friday, March 13, after morning call, and from day to day until disposed of.

REGULAR ORDER.

House bill No. 234, entitled "An act validating the records of deeds, judgments and other muniments of title conveying or affecting lands in Archer, Wichita, Wilbarger, Baylor, Hardeman and Knox counties between February 10, 1874, and April 23, 1879."

Read second time with a favorable committee report and passed to a third reading.

Senator Stephens moved to suspend the constitutional rule requiring a bill to be read on three several days and that the bill do pass to a third reading and final passage, which was

Adopted by the following vote:

YEAS—21.

Atlee,	Frank,	McKinney,
Burney,	Glasscock,	Potter,
Carter,	Johnson,	Seale,
Clark,	Kearby,	Simkins,
Crane,	Kimbrough,	Stephens,
Cranford,	Lubbock,	Tyler,
Finch,	Maetze,	Whatley.

NAYS—1.

Townsend.

Bill read third time and passed by the following vote:

YEAS—16.

Atlee,	Frank,	Seale,
Burney,	Glasscock,	Simkins,
Clark,	Kearby,	Stephens,
Crane,	Kimbrough,	Tyler.
Cranford,	Maetze,	
Finch,	Potter,	

NAYS—6.

Carter,	Lubbock,	Townsend,
Johnson,	McKinney,	Whatley.

Senator Kearby moved to postpone pending business and suspend the constitutional rule requiring a bill to be read on three several days on Senate bill No. 313, and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—23.

Atlee,	Garwood,	Potter,
Burney,	Glasscock,	Seale,
Carter,	Johnson,	Simkins,
Clark,	Kearby,	Stephens,

Crane, Kimbrough, Townsend,
Cranford, Lubbock, Tyler.
Finch, Maetze, Whatley.
Frank, McKinney,
NAYS—None.

The bill was read a third time and passed by the following vote:

YEAS—15.

Atlee, Glasscock, Seale,
Carter, Johnson, Simkins,
Clark, Kearby, Stephens,
Cranford, Lubbock, Townsend,
Garwood, Maetze, Tyler.

NAYS—8.

Burney, Frank, Potter.
Crane, Kimbrough, Whatley.
Finch, McKinney,

Senator Tyler moved to reconsider the vote by which Senate bill No. 313 was passed, and asked that the motion be spread upon the journal.

REGULAR ORDER.

House bill No. 387, entitled "An act to restore to and confer upon the county courts of Marion and McCulloch counties, the civil jurisdiction heretofore belonging to said counties under the constitution and general statutes of the State, and to conform the jurisdiction of the district courts of said counties to such change."

Taken up and read second time with a favorable committee report.

Senator Whatley moved to postpone action on the bill subject to call. Adopted.

House bill No. 413: An act to amend section 5 of an act approved April 2, 1887, entitled "An act to amend section 5 of an act approved February 6, 1884, entitled An act to amend sections 5, 7, 26 and 39 of an act entitled An act to redistrict the State into judicial districts, and to fix the time for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884. Approved April 9, 1883."

Taken up, read second time with a favorable committee report and passed to a third reading.

Senator Whatley moved to suspend the constitutional rule requiring a bill to be read on three several days and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—22.

Atlee, Garwood, McKinney,
Burney, Glasscock, Potter,
Carter, Johnson, Seale,
Clark, Kearby, Simkins,

Crane, Kimbrough, Stephens,
Cranford, Lubbock, Tyler,
Finch, Maetze, Whatley.
Frank,

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—22.

Atlee, Garwood, McKinney,
Burney, Glasscock, Potter,
Carter, Johnson, Seale,
Clark, Kearby, Simkins,
Crane, Kimbrough, Stephens,
Cranford, Lubbock, Tyler,
Finch, Maetze, Whatley.
Frank,

NAYS—None.

Senator Kimbrough asked and received consent to postpone pending business and take up out of its regular order Senate bill No. 320, entitled "An act to amend article 522, chapter 11, title 17, of the revised civil statutes of the state of Texas."

Bill read second time and ordered engrossed.

Senator Kimbrough moved to suspend the constitutional rule requiring a bill to be read on three several days and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—21.

Atlee, Frank, McKinney,
Burney, Garwood, Potter,
Carter, Glasscock, Seale,
Clark, Kearby, Simkins,
Crane, Kimbrough, Stephens,
Cranford, Lubbock, Tyler,
Finch, Maetze, Whatley.

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—21.

Atlee, Frank, McKinney,
Burney, Garwood, Potter,
Carter, Glasscock, Seale,
Clark, Kearby, Simkins,
Crane, Kimbrough, Stephens,
Cranford, Lubbock, Tyler,
Finch, Maetze, Whatley.

NAYS—None.

REGULAR ORDER.

Senate bill No. 305, entitled "An act to restore and confer upon the county court of Carson county the civil and criminal jurisdiction heretofore belonging to said court."

ON SECOND READING

On motion of Senator Stephens, action on the bill was postponed, subject to call.

House bill No. 448, entitled "An act to reorganize the Thirty-second and Thirty-ninth ju-

judicial districts and to create the Fiftieth judicial district of the State of Texas, to fix the time for holding courts therein, to provide for the appointment and election of a judge and district attorney in the Fiftieth judicial district, and to repeal all laws in conflict herewith."

Taken up and read second time with the following committee amendments:

Committee amendment to section 3 of House bill No. 448:

Amend line 20, page 3, section 3, by inserting after the word "Hale" the words "Dickens and Lubbock," and by striking out of line 21 the words "Dickens and Lubbock." Amend by inserting after the word "session," in line 14, page 4, section 3, the following: "Six weeks," and striking out the words "until the business is disposed of." Amend by adding before the word "three," in line 16, page 4, the following:

"In the county of Dickens on the eighteenth Mondays after the first Mondays in February and August, and may continue in session two weeks. In the county of Lubbock on the twentieth Mondays after the first Mondays in February and August, and may continue in session until business is disposed of."

Amend page 4 by striking out lines 19, 20 and 21.

Amend by adding to end of section 3 the following:

"That the unorganized counties of Lamb and Bailey are hereby attached to Hale county for judicial purposes. That the counties of Cochran, Lynn and Hockley are hereby attached to the county of Lubbock for judicial purposes."

Committee amendments to House bill No. 443, section 1, amend line 18, page 1, section 1, by inserting after the word "Glasscock" the words "Crane and Upton," and amend line 17 by striking out the word "Borden," and amend line 15 by inserting after the word "Midland" the words "Borden and Ector."

Amend line 14, page 2, by adding to end of section 1 the following:

"The unorganized counties of Crane and Upton are hereby attached to Midland county for judicial purposes." Amend line 5, page 2, section 1, by striking out all after the word "session" down to and including the word "or" in line 6, and insert in lieu thereof the words "and may continue in session six weeks."

In the county of Ector on the seven-

teenth Mondays after the first Mondays in February and September, and may continue in session two (2) weeks.

In the county of Borden on the nineteenth Monday after the first Mondays in February and September and may continue in session two (2) weeks.

The committee amendments were adopted and the bill passed to a third reading.

Senator Stephens moved to suspend the constitutional rule requiring a bill to be read on three several days and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—22.

Atlee,	Garwood,	McKinney,
Burney,	Glasscock,	Porter,
Carter,	Johnson,	Seale,
Clark,	Kearby,	Simkins,
Crane,	Kimbrough,	Stephens,
Cranford,	Lubbock,	Tyler,
Finch,	Maetze,	Whatley,
Frank,		

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—21.

Atlee,	Frank,	Maetze,
Burney,	Garwood,	McKinney,
Carter,	Glasscock,	Seale,
Clark,	Johnson,	Simkins,
Crane,	Kearby,	Stephens,
Cranford,	Kimbrough,	Tyler,
Finch,	Lubbock,	Whatley,

NAYS—1.

Potter.

Senate bill No. 317, entitled a bill to be entitled "An act to prohibit the barter, sale or exchange of vinous, malt or other intoxicating liquors or medicated bitters within one and a half miles of Lone Star Institute in Cherokee county Texas, and to provide a penalty therefor."

Taken up and read a second time with a favorable committee report.

The Senate refused to engross the bill by the following vote:

YEAS—2.

Clark,	Kearby,
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NAYS—20.

Atlee,	Garwood,	Potter,
Burney,	Glascock,	Seale,
Carter,	Johnson,	Simkins,
Crane,	Kimbrough,	Stephens,
Cranford,	Lubbock,	Tyler,
Finch,	Maetze,	Whatley,
Frank,	McKinney,	

The following message was received from the House:

HALL OF THE HOUSE OF REPRESENTATIVES, AUSTIN, Tex.,
March 7, 1891.

Hon. Geo. C. Pendleton President of the Senate:

Sir—I am instructed to inform the Senate that the House has passed

House bill No. 275, "An act to regulate rates of charges to be made by express companies for the transportation and delivery of all such articles of freight, money, papers or packages of any kind, to require such express companies to promptly deliver the same and to make all such express companies subject to the control and regulation of the railroad commission of Texas and to prescribe penalties for the violation of this act."

Also that the House has concurred in Senate amendments to House substitute for Senate bill No. 15, "An act to validate the location of county seats and court houses and senate amendment to House bill No. 121 regulating the granting of license to the graduates of the law department of the University of Texas.

Also that the House has concurred in Senate amendments to House bill No. 15, being an act extending the corporate limits of the city of Austin.

SAM H. DIXON,

Chief Clerk,

House of Representatives.

Senator Tyler moved to postpone pending business and take up out of its regular order

Senate bill No. 67, entitled "An act to prevent the acquirement of title to land by ten years possession of same under certain circumstances."

Adopted.

And bill read second time with a favorable committee report

Senator Frank offered the following amendment:

Amend line 1, page 2, section 1, by striking out "tenth" and insert "fourth."

Adopted.

Senator Burney offered the following amendment:

Amend by striking out "2000," in section 1, line 2, and insert "5000" instead.

Lost.

Senator Glasscock offered the following amendment:

Amend section 1 by inserting after the word "corporation" in line 13, the words "or association of individuals."

Adopted.

The bill was ordered engrossed by the following vote:

YEAS—19.

Atlee,	Garwood,	McKinney,
Carter,	Glasscock,	Potter,
Clark,	Kearby,	Seale,
Crane,	Kimbrough,	Simkins,
Cranford,	Lubbock,	Tyler,
Finch,	Maetze,	Whatley.
Frank,		

NAYS—2

Burney, Stephens.

Senator Potter moved to postpone pending business and take up out of its regular order Senate bill No. 316, entitled "An act to amend an act entitled an act to amend article 425c, chapter 55, of the revised civil statutes of the state of Texas, as passed by the Twentieth Legislature of the state of Texas, by an act approved March 23, 1887, to authorize cities and towns to levy and collect taxes for the construction of public buildings, water works, sewers, improvement of roads and bridges, streets and other permanent improvements, to issue bonds therefor and to repeal all laws in conflict therewith, declaring an emergency."

Adopted and bill read second time with a favorable committee report.

Senator Glasscock offered the following amendment:

Amend by inserting after the word Texas in line 1, section 1, the following words: That article 425c chapter 55, of the revised civil statutes be so amended as to hereafter read as follows: "Article 25c, section 1."

Senator Carter moved a call of the Senate, which was ordered. The following senators answered to their names:

PRESENT—21.

Atlee,	Frank,	Potter,
Burney,	Glasscock,	Seale,
Carter,	Kearby,	Simkins,
Clark,	Kimbrough,	Stephens,
Crane,	Lubbock,	Townsend,
Cranford,	Maetze,	Tyler,
Finch,	McKinney,	Whatley.

On motion of Senator Crane, Senator Johnson was excused on account of sickness.

On motion of Senator Tyler, Senator Garwood was excused on account of sickness.

REGULAR ORDER.

Senate joint resolution No. 2, requiring the superintendent of public buildings and grounds to dispossess trespassers on any lands or lots in the city of Austin belonging to the State of Texas, and not used by the State,

and to lease the same and collect the money therefor, and to appropriate the same for the benefit of the public free schools of the State, taken up and read second time.

HOUSE BILLS REFERRED.

"An act to regulate rates of charges to be made by express companies for the transportation and delivery of all such articles of freight, money, papers or packages of any kind; to require such express companies to promptly deliver the same, and to make all such express companies subject to the control and regulation of the railroad commission of Texas and to prescribe penalties for the violation of this act."

Read first and referred to committee on Internal Improvements.

"An act to amend articles 3375 and 3376 of the Revised Civil Statutes of Texas."

Read first time and referred to Judiciary committee No. 1.

On motion of Senator Lubbock the Senate adjourned to 3 p. m. this day.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names:

PRESENT—20.

Atlee,	Frank,	McKinney,
Burley,	Garwood,	Potter,
Carter,	Glascock,	Seale,
Clark,	Kearby,	Simkins,
Crane,	Kimbrough,	Stephens,
Cranford,	Lubbock,	Tyler,
Finch,	Martze,	Whatley.

The following report was read:

COMMITTEE ROOM.

Austin, February 20, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee, appointed to present to the Senate and House of Representatives resolution in memory of Jefferson Davis, ex president of the late Confederate States of America, beg leave to report the accompanying resolutions, and recommend that they be considered at a joint session of the two houses to be held in the Chamber of Representatives at 3 o'clock p. m., Saturday, March 7, 1891.

That the roll of the two houses be first called, followed with prayer by the Rev. R. K. Smoot, then addresses by members of the two houses, after which action on the resolutions will

be taken. The joint session to conclude with a benediction by the Rev. Dr. Dodds.

W. H. POPE,

E. J. SIMKINS,

J. W. CRANFORD,

On the part of the Senate.

A. J. BAKER,

J. W. SWAYNE,

E. L. AGNEW,

G. C. O'BRIEN,

W. L. ADKINS,

On the part of the House.

By consent Senator Garwood made the following report:

COMMITTEE ROOM.

Austin, March 7, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Internal Improvements, to whom was referred

House bill No. 456, being "An act to authorize the Galveston and Western Railway Company to acquire the property and franchises of the Galveston Air Line Railway Company to own wharves and elevators, and to consolidate with other railway companies in this State,"

Have had the same under consideration, and instruct me to report the same back to the Senate with the recommendation that it do pass

GARWOOD, Acting Chairman.

On motion of Senator Simkins the Senate repaired to the hall of Representatives for the purpose of participating in the memorial ceremonies in honor of Jefferson Davis, late President of the Confederate States of America.

IN JOINT SESSION.

Lieutenant-Governor Pendleton and Speaker of the House Milner presiding.

Roll of the Senate called.

Quorum present.

Roll of the House called.

Quorum present.

Prayer by the chaplain of the Senate, Dr. Smoot.

The following joint resolutions were read:

RESOLUTIONS.

Whereas, We have learned that God, in His wisdom, has called to eternal rest from his labors on earth, the matchless statesman and christian soldier and citizen, Jefferson Davis, the late president of the Confederate States, who, for the past twenty-five years has been the heroic and uncomplaining sufferer for all the people of the South, and

Whereas, we recognize in him the living embodiment of those great principles of local self-government, which for the first seventy years existence of our grand union of states, was construed by our fathers to be the corner stone of our government, and guarantee of the perpetuity of our free institutions; and

Whereas, it is fit and becoming that the representatives of the great State of Texas, in legislature assembled, should in some enduring form transmit to posterity the expressions of esteem and loyalty and admiration for those principles, which gave to his life such brilliant lustre; therefore be it

Resolved, That in commemorating the life and character of Jefferson Davis, we return to Almighty God our fervent gratitude that he was permitted to live amongst us until he reached the ripe age of 81 years, illustrating to us by his eventful and heroic and unselfish devotion to principle that incarnation of honor, patriotism and love of the constitution of our fathers which command our emulation, and give assurance that his life and character was acceptable and well pleasing to God who gave it.

Resolved further, That we take advantage of this occasion to remind all men, and the youth especially, of our grand Union that Jefferson Davis maintained throughout his long and eventful career the life of a stainless christian; that he was a soldier of distinguished ability, a patriot of brave and unflinching devotion to his country, and a statesman of the profoundest genius and sagacity. And that his love for the Union of the fathers, as construed by the highest judicial tribunal of the country, was as unselfish, pure and devoted as that which marked the most illustrious of any age.

Resolved further, That we invite the student of history to a close study of the life and character of this illustrious man, through whose unprejudiced and passionless researches the generations yet to come may learn to know of a truth, though he was regarded by some as the chief and head of all of our offending; yet in his vicarious suffering he was a true representation of the sentiments of the people who chose him as their leader and a loyal lover of the Union of our fathers.

Resolved finally, That an engrossed copy of these resolutions, signed by the President of the Senate and the

Speaker of the House of Representatives, be forwarded to Mrs. V. Jefferson Davis, widow of the deceased.

Eulogies in honor of Jefferson Davis were delivered by Senators Pope and Garwood and Representatives Rogan, Hood, Gerald, Gossett and Swan.

The question recurring upon the adoption of the resolutions, Senator Pope said:

Mr. Speaker and Gentlemen of the two Houses:

In our hearts we stand at the tomb that holds the dust of our mighty dead. Living we loved and honored him; dead we sorrow after him, and here today upon the altar to his memory we light the fire of our devotion as a people of this great State as a testimony of those to come in after years

"When like our sires our sons are gone,"

To history we can commend him knowing that the impartial pen which makes the record must be just to his name and deeds.

I here declare that Jefferson Davis was one of the world's great men.

Truth was his guide and he was the embodiment of fortitude.

His devotion to the principles of the cause of which he was the prominent exponent will ever make him illustrious and his bearing as the leader of his people in that unequal struggle in which the South lost, places him in front rank with the greatest men who have ever lived on the "side of time." The fortitude with which he wore the chains alone for his people showed that if a victim was wanted he was ready for the sacrifice.

Jefferson Davis made some of the brightest pages in American history and he is no lover of his country who would tear them from the annals of our great achievements.

The splendor of his valor brought him renown upon the bloody plains of Buena Vista. Honor wreathed her brightest laurels for him while he sat in the councils of the nation during the better days of the republic, and when he was the ruler of the new confederacy fame reached forth her imperishable hand touched his brow and set a crown of glory there.

Mr. Speaker:

There is a manifest destiny for this union of States, and following it our arms may yet be sent into other lands as aforesaid has been done, and perhaps upon the very fields made historic by the gallantry of him whose

memory we hold dear, the American so diers may again do battle, and as at world renowned Waterloo the names of Evan and Donald nerved the Scottish clansmen, so they may each inspiration at the call of the name of Jefferson Davis.

And now I am done. Sleep on, oh, glorious spirit, till the summons the rulers and the hosts of earth before the King of Kings for judgment. Then there our hero shall stand, so pure, so noble and so grand.

I move the adoption of the resolution.

Mr. Rogan of Caldwell, spoke to the resolutions and said:

Mr. Speaker, Senators and fellow Representatives:

When it was flashed around the belted world on the wings of the lurid lightning, that the soul of Jefferson Davis had gone to seek congenial companionship in a purer and happier sphere, the pulse of a stricken nation for a moment ceased to throb, and a sorrowing people bowed at the shrine of a sacred memory. No character in history, ancient or modern, combined more of the true elements of greatness and manhood, than that of the illustrious chieftain of the Lost Cause.

The embodiment of a political idea, he became the very impersonation of faith and devotion; immersing self in duty, he became a sacrifice to all of the misfortunes following defeat, and, with a fortitude approaching stoicism, he offered himself a scapegoat to bear the so called sin of his people, and uncompainingly suffered for years the ignominy of political ostracism rather than bend the supple hinges of the knee that thrift might follow tawning."

Grand old man! brave and chivalrous soldier! wise and peerless statesman! pure and incorruptible patriot! sincere and devoted christian! with thee it was not all of life to live, nor all of death to die.

Jefferson Davis has passed away, but he is not dead—merely gone to his reward. Not like Moses, to a nameless grave in the heart of Nebo's rocky heights; nor yet like Elijah, storming the battlements of Heaven in his fiery car, but calmly and trustingly as a child, he drew the "drapery of his couch about him, and lay down to pleasant dreams."

Mr. Speaker:

I am happy, thrice happy, to be permitted this day to stand in this, the grandest capitol of the grandest

State, of the grandest nation of earth, and do homage to the memory of the grandest man of the century. And now, sir, I present this little poem as my contribution to the occasion, and ask that it may find an humble place amid the votive offerings of the day:

Soldier, statesman, patriot, sage,

Sleep on now and take thy rest.

Thy name shall live on history's page

Among earth's greatest and its best.

Rest now with Stonewall 'neath the trees

Where never comes a sound of strife,
And floats on every whispering breeze
The murmur of the stream of life.

Rest now where Heaven's angel bands
Keep watch and ward o'er Grant
and Lee.

Where blue and grey clasp friendly hands,

Awaiting Gabriel's reveille.

Now that the silent grave is filled

With all of thee that time could kill,
Let tongue of calumny be still'd.

And slanderers no more speak thee ill.

Though southern hearts are weighted down

Beneath the burden of their loss,
We envy not the fadless crown
To him who nobly bore the cross.

The halls of memory may be thronged
With salwart ghosts and specters grand,

Of those who once for freedom longed,
And died for love of native land.

But not one name in all that throng
That stalks across the mysty past,
Shall live in romance or in song
More loved than thine or longer last

Soldier! Statesman! Patriot, Sage!

Thy life-work done death closed the scene,

But loving friends from age to age
Shall keep thy memory ever green.

ROGAN.

Mr. Hood of Parker, spoke to the resolutions, and said:

Mr. Speaker, gentlemen of the House, ladies and gentlemen:

More than a year has elapsed since all that is mortal of him whose name we seek today to commemorate, passed from life into death. Sanderous tongues have ceased their wrath, and libellous pens refuse to move in the disparagement of his name, and

Jefferson Davis is acknowledged by all in every clime, to have been one of the most remarkable men of any time.

Sir, I shall not speak of his ancestry: for he was one of those men who made his impression upon the age in which he lived without parental prestige. He sprung from the middle class of people, and by force of industry and in obedience to an honest conscience, he reached a point in the world's history that has never been surpassed by any man? Why was this so? Was he a genius. Certainly not! In school boy days he was not noted for his aptitude of study or profundity of thought; but, sir, by tenacious work, thorough investigation, and by this system he planted firmly those judicious principles from which rose that monumental character that will live till the stars burn out and the sun shall cease to illuminate the world.

This master man, whose spirit we honor today, was he a military hero? His achievements beneath the burning sun of Mexico were as valiant and chivalrous as were those of the crusader of old when he drew his Damascus blade and marched out to battle in defense of his religion. Was he an orator? When first he emerged from the retirement and quietude of a planter's life to take his place on the hustings, he successfully contended with Sargeant S. Prentiss, whose burning eloquence had gained him a national fame. His debut in the national congress was made on the slavery question, and his classic language and simple expressions gained for him the sobriquet, the Cicero of the Senate, the Mirabau of his day. Was he a parliamentary debator? He crossed swords with Stephen A. Douglas, the most skilled debator this country has yet produced, and in each and every instance he successfully maintained himself against the attacks of that giant minded man.

Did he possess the attributes of a statesman? Sir: "With grand aspect he rose, and in his rising seemed a pillar of state, deep on his front engraven deliberations sat, and public care and princely counsel in his face shone majestic." Well was he versed in the arts and sciences of republican governments of all ages. The palmetto statesman, whose metaphysical brain was the wonder of his time. A man, sir, who rolled back the scroll of the constitution and exposed to the

world the individuality of each and every state in its separate capacity, was his guiding star. He drank deep of the principles as taught by Calhoun, and if possible became more learned and profound in statecraft than Calhoun himself.

Believing that the actions of none are great when not the result of great design, let us see if Jefferson Davis was possessed of true greatness. His first great object in life was to meet the approbation of his God; second, to act in obedience to his conscience, and last to conciliate the good opinions and forward the best interest of his fellow men. Surely, higher and nobler traits of character were never exhibited by man. In the direful days of misfortune, having been warped by the world in disappointment's school, when prison chains clanked at his every step, he stood erect, and in the greatness of his manhood he proclaimed to the world that the principles for which he led a million men to arms were just. Search through the history of all ages, sir, and you cannot find an example of truer manhood or more exalted greatness.

Was Jefferson Davis a patriot? Did he seek self promotion, or did he answer a nation's call? At the breaking out of the civil war no man on this continent had more to hope for in the way of political preferment—none made greater sacrifices for the principles which he expounded. In obedience to his own conscience, and in answer to his people's call, he sacrificed his personal ambition and offered himself, as a martyr for a principle which we still believe was right. In that colossal war which astonished the world in magnitude and destruction of life, millions of people consigned their fate to his hands, and though death, desolation and destruction became their part, yet they do maintain that he was an unsullied patriot who had no equal to the emergency for which he was called.

"He was a patriot—a friend to truth of soul sincere

In actions faithful and in honor clear."

He broke no promise, served no private end, sought no title and lost no friend. He ennobled himself and was by all approved, praised, wept and honored by the South he loved. Sir, after noticing these points of character, what is our conclusion? We conclude that Jefferson Davis was as grand a man as ever lived on earth—

that he was the prime mover in the greatest revolution for the establishment of right over wrong, the world has ever seen. That he was as brilliant a forensic orator as ever trod the halls of state, as able executive as ever graced a presidential chair, as brave a warrior as ever led the soldier to the field of battle.

And now, after the lapse of a quarter of a century and in the midst of this "new," this progressive South, shall we forget this man or fail to appreciate the principles for which he contended? Never. But let us raise in our southern state a monument of marble to his memory. Let us write in letters of living fire on every southern heart the name of our departed chieftain who must go down in history as one of the purest and best of men.

Mr. Gerald spoke to the resolution and said:

Mr. Speaker and Gentlemen of the Joint Committee:

In giving to these resolutions my hearty concurrence, I do not fear to say that the man they honor, in his life, as a citizen, a soldier and a statesman, proved himself worthy to rank his name among the many great names that the English-speaking race have produced. Called to the head of a government that sprung from that article of the federation that proclaimed the thirteen colonies free, sovereign and independent states, he, amid all the shifting scenes that four years of war and battle brought upon the land, proved himself a patriot, with an eye single to the discharge of his duty in a quarrel that he believed to be just. In his life and death, he was loved by one part of the people, and execrated by another. One pointed to him as a hero, and one to him as a rebel and a slave driver; yet all these people loved and honored the name of Washington, the rebel and slave driver, who gave the bread of liberty to a hungry world yet who but for the success of his treason, would, on Tower Hill, paid, with his life, the penalty of a traitor's doom.

"Rebellion foul dishonoring word,
Who-e loathsome blight, so oft has
stained,

The fairest cause that pen or sword,
Of mortal ever lost or gained.
How many a spirit born to bless,
Has sunk beneath that withering
name.

Whom but a day, an hour's success,
Had wafted to eternal fame."

When Jefferson Davis died, a man without a country passed away. And in his grave, wet by a people's tears, was laid the last of that new born nation, that in the cradle of war was rocked, and on the bed of battle died. In the dungeon of Fortress Monroe he suffered for what a people believed was a sacred right, transmitted to them, baptised in the blood of the heroes who stood sponsors at the Federal Union's baptismal font. They chained him, while they searched every nook and corner of the law, that they might execute him on the charge of treason and brand us all as traitors. But they were met with a dire alternative, that to convict him required the packing both of the court and jury. To give him a fair trial was to turn him loose upon a verdict of not guilty. And they dared not face the verdict of history on either issue, so they turned him loose upon a bond to which he was never called to answer. Yet, within ten years from the time they set him free, in the capital of the nation, under the shadow of the Goddess of Liberty that stands upon its dome, the highest court that this land ever saw decided that under our form of government that the sovereignty of the State was so great that it could not look behind the certificate of a Governor to ascertain the truth of an election return, in which it was claimed that the will of the sovereign majority had been violated. And upon this decision was given to Ruthertord B. Hayes the seat of Washington and loyal millions shouted their approval as it went thundering down the ages, borne on the dulcet tones of old Aliunda Joe!

Now, if this decision was just, then Jefferson Davis and the people of the South fought for the double right, the sovereignty of the state, backed by the unanimous sovereignty of the people. But I leave him and the cause he loved to the historian to who will come, when we, who played our parts in the bloody drama in which he was the principal actor, have like him, passed to the great beyond. Then will impartial fingers tell the story of a people hemmed in by land and sea, without money and without credit, who for four years, against a foe six times their number, rich in money and resources, saw their battle flags more often crowded with the laurel of victory than clothed with the cypress of defeat.

Senator Garwood also spoke to the resolution.

Mr. Gossett spoke to the resolution and said:

Mr. Speaker:

It is not strange that the people of the Southern States should hold memorial services and put on record their appreciation of a man in whose life of solemn convictions and tragic fortunes is found the prototype and symbol of their own.

And as I stand, today, in this presence and listen to the story of the rise and fall of the Confederate States and the tragic ending of a peoples' hopes, I am overwhelmed with emotions, and as

"Out on the sea there are billows
That never can break on the beach;
So in my soul there are feelings
That never can float into speech."

George Washington led a revolt against the British government because it persisted in taxation without representation. Had Washington failed, he would have been written down in history as a traitor, but succeeding, he is a patriot and a hero.

Jefferson Davis led in a revolt against the usurpations of the Federal government and its encroachment upon the rights of the states which Washington had established. The motives and principles of the one were as pure and patriotic as those of the other, and Davis was no more responsible for secession than Washington was for the colonial revolution, and the story of Fort Sumpter, Manassas and Gettysburg would have been recorded if Jefferson Davis had never been born.

Mr. Speaker, as we remember, the vituperative abuse, malignant slander and sectional hatred that has for a human generation been heaped upon this man, the question occurs is its explanation found in the proposition that "they never pardon who have done wrong?"

I would not sir, so much as by the rustle of a leaf, fan the flame that preys upon the patriotic love of the Union as it is to-day, but any southern son of a southern father who would, from cowardice or sickly sentiment, refuse to speak in unstinted praise of the honorable motives and chivalrous daring of Jefferson Davis and his confederates is a graceless renegade and unworthy of the traditions of his fathers.

The centralizing tendencies of the Republican party may pull the pendulum of

civil government far beyond its normal swing, but it is the principle of local self government, the rights of the states, and a strict construction of the organic law, for which Jefferson Davis contended, that is to bring it back again to its constitutional radius, and though, Mr. Speaker, secession was blown hellwards from the cannon's mouth by the heaviest battalions, yet the principles upon which the Confederate States were founded must always live on in all free government and among all free men from 1861 till the world is wrapped in millennial glory.

No leader of a Lost Cause ever received such demonstrations of love and approval, and these evidences of a people's esteem were not given that thrift might follow fawning for he had nothing to give.

When the stars and bars went down at Appomatox, disfranchised as he was by the Federal Government, he was no longer a citizen of any country, and to the day of his death he stood up as a beacon light along life's highway, gloriously exemplifying the virtues of consistency, courage and fortitude. Always loyal to the principles of that fair young republic which, by the fortunes of war had ceased to be, but which, though dead was baptised and embalmed in the blood and tears of as chivalrous and brave a people as ever lived under the sun.

The men who to-day write the story of the civil war are more or less partizan, and while controversy sharpens the intellect, it poisons the heart and gives bias to the judgment, but when in other years impartial history shall write it down as it was, and Jefferson Davis shall be measured by his true motives and purposes and principles, generations yet unborn will be taught to love his character and emulate his virtues, and, Mr. Speaker, if to live in the hearts he left behind is not to die, then Jefferson Davis lives forever.

Mr. Swan spoke to the resolution, and said:

Mr. Speaker:

I am not among those who are given to oratory, nor those who are capable of preparing speeches for occasions like this, but there is a sentiment of which I am prouder than either gift, and that is patriotism and love to and for a cause involving what I have always believed to be a principle; and while I have no hope of entertaining this assemblage with scintillations of pathos, I feel it is meet and right, for

more than one reason, to speak to the resolutions. I am perhaps the youngest member on the floor of this House who enlisted in the Confederate army, and who cast his lot with the destinies of the cause then and now believed to be that of patriotism, and which went down at Appomattox under the leadership of that grand man, Jefferson Davis, whose life and death we are here to commemorate. But I am not left to the pages of the history of the late war by which to remember that patriot, and I hope that I may be excused for referring to the fact his name was a household word around the hearthstone of my family long before the star of the Confederacy appeared, because my eldest brother linked his destinies with the patriot and Christian gentleman, Jefferson Davis in the Mexican war, and fought in the files at Buena Vista, and only failed to answer roll call in the Confederate service because he had gone to that land "whence no traveler e'er returns" before the struggle began.

It has been said by divines that Stonewall Jackson was taken away by Providence to save him the humiliation of defeat, and I have frequently thought that the life of Jefferson Davis was spared to show how grand a patriot might be in the hour of defeat. While others' stars ascend brightly in victory, that of Mr. Davis stands out more bailliant than all of them, because out of defeat he has exemplified a spirit of patriotism and christian fortitude equalled by but few, and surpassed by none.

In conclusion, I hope the resolutions will be unanimously adopted, as I know they will, by this House, and that they will reflect the sentiment of all good people in Texas. Mr. Speaker, I heartily and from the depths of my heart second the resolutions.

Senator Tyler moved the adoption of the resolutions by a rising vote.

Adopted, and while the members were standing a benediction was pronounced by Dr. Dodge, chaplain of the House.

On motion of Senator Simkins the Senate retired from the Hall of the House of Representatives to the Senate chamber.

IN SENATE.

Senator Tyler withdrew his motion to reconsider the vote passing Senate bill No. 313

Question recurred to the amendment of

Senator Glasscock to Senate bill No. 316, and it was adopted.

The bill was ordered engrossed.

Senator Potter moved to suspend the constitutional rule requiring a bill to be read on three several days, and that it pass to a third reading and final passage.

Adopted by the following vote.

YEAS—21.

Burney,	Garwood,	Potter,
Carter,	Kearby,	Seale,
Clark,	Kimbrough,	Simkins,
Crane,	Lubbock,	Stephens,
Cranford,	Maetze,	Townsend,
Finch,	McKinney,	Tyler,
Frank,	Pope,	Whatley.

NAYS—None.

Bill read third time, and passed by the following vote:

YEAS—20.

Burney,	Kearby,	Seale,
Carter,	Kimbrough,	Simpkins,
Crane,	Lubbock,	Stephens,
Cranford,	Maetze,	Townsend,
Finch,	McKinney,	Tyler,
Frank,	Pope,	Whatley.
Garwood,	Potter.	

NAYS—Clerk.

Senator Carter moved to postpone pending business and take up out of its regular order.

Senate bill No. 257, entitled "An act to create and establish an industrial inststute in the state of Texas, and a college for the education of white girls in the arts and sciences.

Adopted and bill read second time with a favorable committee report.

(Senator Kimbrough in the chair.)

Senator Garwood offered the following amendment:

Amend by striking out "fity" in first line of section 11, and insert "one hundred."

Lost.

Senator Burney offered the following amendment:

Strike out "17" and insert "18 years," line 27, section 10, page 4.

Adopted.

Senator Frank offered the following amendment:

Amend by inserting in section 10, line 20, page 4, after the word "county" "between the ages of 14 and 18."

Adopted.

On motion of Senator Townsend the Senate adjourned to 8 p. m., this day.

EVENING SESSION.

Senate met pursuant to adjournment Lieutenant Governor Pendleton in the chair.

Quorum present.

The President directed the Secretary to notify the House that the Senate awaited their presence.

The House was announced at the bar of the Senate, when the speaker of the House was invited to a seat on the right of the President, and the members to seats assigned them.

IN JOINT SESSION OF BOTH HOUSES.

The secretary read the order of proceedings for the evening as follows:

Austin, February 25, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your special committee appointed to provide arrangements on the presentation of the portrait of Jefferson Davis to the Senate on the 8th proximo at 8 p. m., beg leave to report the following:

The Senate and House of Representatives will meet in the Senate chamber at the above hour. The portrait will be presented to the Senate on behalf of the donors by Hon. Frank R. Lubbock. The lieutenant governor on behalf of the Senate, will make acknowledgment of the presentation.

The committee recommend that the House be respectfully requested to meet with the Senate in the above ceremonies.

Respectfully submitted,

POPE,
WEISIGER,
CLARK,
HARRISON,
SIMKINS,
Committee.

The President introduced Hon. F. R. Lubbock, who presented the portrait of Jefferson Davis on behalf of the donors, in the following address:

EX-GOV. LUBBOCK'S ADDRESS.

Mr. President, Members of the Twenty-Second Legislature and Ladies and Gentlemen:

I am accorded by this august body the distinguished honor of appearing before you and at the request of my friends, B. Eldridge, C. C. Garrett, W. W. Searcy, D. C. Giddings, Judge and Beauregard Bryan of Brenham, Washington county, to present in their behalf through you to the Senate of Texas and the people of Texas the portrait of Jefferson Davis, one of our most illustrious countrymen.

This magnificent portrait is the product of the genius of McArdle. The artist was for some twelve months during the war on detached duty in the city of Richmond and saw Mr. Davis very often. It was also his good fortune to have as his model before him the great head of the Confederacy as he stood in tears before the artist's "Lee at the Wilderness" in 1875, during his visit to this State. Mrs. Davis too, kindly assisted with her personal description of the man so dear to her and the people of the Southern States. She wrote: "Mr. Davis was 5 feet 11½ inches, his eyes were blue and very bright. They were a decided blue with large pupils. The arch of the eyelid was abrupt and the eye was well opened and very fearless in its expression; his hair was full and fell on his head in large soft curves—not curls, only it had never a stiff effect and was very fine and abundant."

The expression of the face is that of lofty and firm resolve, traceable, no doubt, to the matter contained in the despatches held gracefully in his left hand. His right hand rests firmly and naturally on a map of Richmond defenses, showing the cause for which he contended, the map, in turn, resting upon the constitution of the United States.

The expression of the body is that of action; the fingers of the right hand are vigorously raised, while the left leg is boldly advanced, altogether depicting the energy of action, mental and physical, which was a characteristic of Jefferson Davis.

You see the battle-torn flag which drapes the portrait. It is the flag of the regiment of Mississippians led by Jefferson Davis at Monterey. It was presented to the company of Captain A. K. McClung by the ladies of Columbus, Mississippi, in 1846, when the volunteers were leaving for the Mexican war, and was received by the color-sergeant, George W. Campbell, whose widow now treasures the relic. Miss Kate Austin made the presentation in behalf of the ladies whose deft fingers formed the flag from their own silk dresses, the white being from the wedding dress of Mrs. Dr. Malone of Columbus. At the storming of the Bishop's Palace it was used as the regiment colors, and the bullet rents show that it was carried in the thickest of the fight. There the brave McClung fell in the trenches, but his noble colonel lived to fill out the measure of heroism and statesmanship that had been already begun.

While I feel very deeply the compliment paid me, I could have wished that the duty, although pleasing had been allotted to some more eloquent tongue, yet I will say that it could not have been assigned to any one feeling a deeper veneration and love for the dead hero and statesman. I approach the subject with a full knowledge of the great undertaking, for the story of his life and death have been told in prose and song by many of the ablest minds of our country, and I fear that I can add but little to what has been said to interest you, and more especially as the most of you were present at the beautiful interesting memorial services in the other chamber this afternoon. I shall, however, endeavor to place before you, something of the history of this great man, and of my observation and recollection of him, gained from the closest intimacy and friendship. Should I dwell too long on his life, character and many virtues, bear with me for the love I cherish for the memory of one of whose friendship while living I am greatly proud.

HIS BIRTH, EARLY HISTORY, ETC.

Jefferson Davis was born June 3, 1808 in Christian county, Ky., now Todd county. The village of Fair View the place, the Baptist church now stands on the very spot which gave him birth, the land having been quite recently donated by him, (he being an Episcopalian and a poor man when making the gift). His father was Samuel Davis, a native of Georgia and a captain of the infantry at the siege of Savannah during the Revolution, while yet an infant his father removed to Wilkinson county, Mississippi. After attending the neighborhood schools, in 1824 at the age of sixteen he entered West Point, graduating in 1828. Then an infantry officer he was assigned to duty on the western frontier where he remained until 1833.

An occurrence took place while stationed there showing the fine sense of honor which ever characterized the man.

The officer in command having been guilty of excesses and unsoldierly conduct, the officer commanding the department desired Capt. Davis to prefer charges; he declined, the officer insisted and threatened proceedings against Davis if he continued to refuse. Davis then told him that he would resign rather than prefer the charges, and when his reasons for resigning were demanded, his reply was that his dismissal would result in my promotion. Shortly after he was transferred to a dragoon regiment. After a successful campaign against the Indians he resigned in 1835. He left the army for the purpose of fulfilling an engagement of several years standing, and married the daughter of General Zacharia Taylor, (subsequently president of the United States). It may be stated here that much has been said about Davis running away with the general's daughter. It's a great mistake. It is true that the general made some objections.

The mother was dead, but they were married at the home of a near relative of the bride. After the battle of "Buena Vista" the general remarked, "that his daughter was a better judge of men than he." After marrying he became a cotton planter in Warren county, Mississippi. He lost his wife shortly afterwards and lived in great seclusion until 1843. In those long years he was reading, thinking and preparing himself to meet the subsequent demands made upon him by his fellow men.

POLITICAL CAREER.

In 1843 he for the first time engaged in politics. In 1844 he was chosen a presidential elector in the Polk campaign. In 1845 he was elected to congress. In June, 1846, at the commencement of the hostilities between the United States and Mexico, he was elected colonel of the Mississippi regiment. It would be useless to dwell at any length upon his marked ability and gallantry. As a soldier in that war, the history of the

times has given him and the gallant Mississippians under his command a name for patriotism and heroism on the battle field that will last to all time. He was seriously wounded at the bloody battle of Buena Vista, remaining however in his saddle and in command the entire day. In consequence of this wound and his continuing on horseback for hours afterward he was compelled to return home on crutches. Previous to his return President Polk had appointed him a brigadier general of volunteers. He denied the right of the president to make such appointment, contending that the volunteers were militia and the state had the appointment of officers, under the constitution. Thus it will be seen that he was ever found battling for the reserved rights of the states and resisting all encroachments of the Federal government upon the states. In 1847 in consequence of the death of a Mississippi senator, he was appointed by the governor to the vacancy. In January 1848 he was unanimously elected by the legislature to fill the unexpired term and in 1850 was elected for the full term as his own successor. In the United States senate he was chairman of the military committee. He took a prominent and active part in the debates on the compromise measures of 1850, opposing Douglas and others in their theory of squatter sovereignty and advocating as a means of pacification the extension of the Missouri compromise line to the Pacific. He was secretary of war during Mr. Pierce's administration, serving the entire four years. As secretary of war he was laborious, full of energy, activity, originality. It was he who introduced camels for service on the western plains, an improved system of infantry tactics, effected the substitute of iron for wood in gun carriages, secured rifled muskets and rifles and the use of minie balls, and advocated the increase of the defenses of the seacoast by heavy guns and the use of large grain powder.

While in the senate he advocated as a military necessity and as a means of preserving the Pacific territory to the Union, the con-

struction of a military railway across the continent; and as secretary of war he was put in charge of the surveys of the various routes proposed, perhaps for a similar reason—and that he had advocated the improvement he was also put in charge of the extensions of the United States capitol building—the southern route recommended by him was one of the routes subsequently chosen. When congress met in the fall of 1860 he was appointed one of the senate committee of thirteen to report some practicable adjustment of the controversies which then threatened the dissolution of the union, he wished to be excused, but at the solicitation of friends consented to serve, then avowing his willingness to make any sacrifice to avert the impending struggle. The committee consisted of men belonging to the then political divisions of the senate, the statesmen of south; the Radicals of the north and the northern Democrats, with one member who did not acknowledge himself as belonging to any one of the then divisions, Mr. Crittenden, an old time Whig and the original mover of the compromise resolution. The northern Radicals failed to sanction any substantive proposition. Finally the committee reported their failure to find anything on which the three divisions could unite. Mr. Douglass, who was a member of the committee, defiantly challenged the northern Radicals to tell what they wanted. As they had refused everything, he claimed that they ought to be willing to tell what they proposed to do.

Senator Davis remained in his seat until officially informed that Mississippi had passed the ordinance of secession. He then took formal leave of the senate in a most touching and dignified manner, announcing for the last time in that body the opinions he had so often expressed as to state sovereignty, and as a consequence of it, the right of a state to withdraw its delegated powers. Before he reached home he was appointed by the convention of Mississippi commander-in-chief of its army with the rank of major general, and he at once pro-

ceeded with the task of organization. He went to his home in Warren county in order to prepare for what he believed was to be a long and severe struggle. He was not permitted to remain at home, for he was very soon notified that he had been elected provisional president of the Confederate states, and although reluctant to accept the position, the circumstances surrounding the country would not justify a refusal, and he was inaugurated at Montgomery, Ala., on Feb. 18, 1861, with Alexander H. Stevens of Georgia as vice president.

In his autobiography, from which I take the facts of his life before my acquaintance with him, he said: "In the selection of a cabinet I was relieved from a difficulty which surrounds that duty of the president of the United States, for there were 'no sections' and 'no party distinctions. All aspirations, ambitions and interests had been merged in the great desire for Confederate independence." He asserted in his inaugural address "that necessity, and not choice, had led to the secession of the Southern states; that as an agricultural people their policy was peace and free commerce with all the world; that the constituent parts, not the system of government, had been changed." Following the many able writers and distinguished orators who have written and spoken of the illustrious dead whose portrait we behold to day, those that have said so much of his patriotism, his great intellect, his grand integrity of purpose in all things, his Christian virtues, his heroism, I trust that you, my friends and the people of this grand Empire state of ours, with whom I have been so closely linked for the past fifty-four years, will not charge me with presumption or guilty of supererogation because I may speak of my friend and grand chief as I learned to know him from constant association under circumstances never failing to develop the characteristics and metal of the man. I had met Mr. Davis in 1860 in Washington as a United States senator, and while knowing but little of him personally, he was of course

known to me, as he was to all men who read, as an army officer, a distinguished soldier, a brilliant senator, an active and able cabinet officer.

I also knew him as the man that Ben Butler of Massachusetts, sitting within a few feet of me at the Charleston convention in 1860, had voted for fifty-six times as a suitable person to be President of the United States, so that I was prepared to meet a distinguished man. In my view he came up fully to the standard fixed upon him at that day, and stood as the peer of any man then in the councils of the Government.

Entertaining these views, as soon as I was chosen Governor of the State of Texas in 1861, I repaired to Richmond, Va., that I might take counsel of this great mind and endeavor to so shape my course touching the war as to give strength and prosperity to the Confederate cause. I found him then at the front, where he always was when his civil duties permitted.

I was again confirmed in my previously formed opinion of his ability, integrity and patriotism. Returning home I was inaugurated and through my administration Texas kept in harmony with the government at Richmond, putting into the Confederate service 90,000 men. Upon the expiration of my term as Governor, entering the army, and while serving in Louisiana, Mr. Davis appointed me on his staff, with the rank of colonel of cavalry; had my nomination confirmed by the Senate without my knowledge, and requested me, if I accepted, to report at once for duty; that he wished an officer near him as a representative from the trans-Mississippi country.

After an immediate and hurried consultation with Generals Wharton, Hardeman and Harrison, and other of my military associates, I left for Richmond in a few hours. My reception was all I could have desired. Mr. Davis always kind and polite, assured me of his pleasure at my coming so promptly, and made me feel quite at home in his military family.

My first impression when I entered into his presence confirmed my previously formed opinion of his grand and dignified character, of his patriotism and devotion to the work to which he had been called by a trusting people. Constant attendance day by day upon the executive, while in his office,

or during his very frequent visits to the field, the camp and the hospital, founded in my heart a strong love for the man, and still more increased my admiration for the soldier and statesman.

Frequently visiting his home in Richmond and seeing him with his talented and lovely wife, surrounded by his children, I knew him as the noble husband and affectionate christian parent.

Beside the happiness of his family he appeared ever to be concerned about the welfare of his people.

From the day I took service with him to the very moment that we were so cruelly separated, subsequent to our capture, his request that I should be placed in the same prison with him being denied. All through his triumph and his adversity I witnessed his unselfishness—he displayed more self abnegation than any human being I have ever known while commander-in-chief, with thousands at his bidding, he invariably declined escorts and guard, and when cautioned about exposing himself to danger he always replied: "I have no fear for my self," and in the most unpretentious manner he would visit the lines of the army oftener with one aide than more. While fond of society he rarely, though often pressed, ever sought it during the war, it being his pleasant duty to give away all his time to his country. While burdened with weighty matters of state, he was kindly attentive to all classes of people. He was as polite and affable to the humblest soldier or his messenger boy as to the officer of highest rank in the army. For this, and his many great virtues, he was loved by all who served near his person. He was always welcomed with great respect and cordiality when visiting the troops in their quarters. It has been reputed that he was harsh and severe to them with whom he differed—this is an entire misapprehension of his nature and disposition, though tenacious of his own opinions and quite fixed in his judgment when formed, he seemed to me to be much more liberal than other men of ability and power with whom I have been associated. While others would be intolerant and every exacting during our struggle he would be the apologist of many who failed in their duties, treating delinquents with compassion and leniency. I may here be permitted to state as an historical fact that he never signed

the death warrant of a soldier and upon the memorable occasion the papers were sent him condemning a soldier to death for desertion, the papers showed letter after letter had been received by the soldier about the distressed condition of his family, they were suffering from sickness and want. Mr. Davis endorsed on the papers, "I would have gone home under such circumstances," which of course saved the life of the soldier.

HIS VISIT TO FRANCE, ENGLAND AND SCOTLAND.

After the war was over, I had the good fortune of traveling with him in France, England and Scotland. It is known that as an orator he was seldom equaled, as a conversationalist he surpassed all I have ever met. His accurate observations and extensive reading made him most charming as a companion, and as a traveling companion the life of any party.

He visited those countries for the purposes of business and to build up his shattered health brought about by great strain upon him and long imprisonment. In his travels he was always the same dignified and elegant gentleman that he was while a citizen, senator, cabinet officer or president. He had friends and admirers wherever he went. He was always attractive and instructive in conversation. He was greatly appreciated and admired by those with whom he came in contact, particularly was this the case in France and Scotland. We visited the homes of Shakespeare, Scott and Burns, all favorite authors of his. From Scott and Burns he freely quoted. While we traveled through Scotland with his friend, he would describe their battlefields, their heroes, quote Scott and recite Burns in such a beautiful and accurate manner that in a little book published subsequently in Glasgow it is said, in speaking of his visit, "that if the works of Scott were destroyed the ex president of the Confederate States could reproduce them."

In visiting the ship yards on the Clyde and Dumbarton, the ship builders would be so impressed with his knowledge of ship building that they would enquire if he had ever been connected with the building of ships, and so his knowledge of woodcraft and botany, and his great information as to animals and all subjects of discussion

and conversation were considered truly surprising.

VISIT TO TEXAS IN 1875.

But a greater pleasure than being in these foreign countries with him was accorded me when he visited Texas. I will tell you about that joyful time.

From the day that Mr. Davis was relieved from prison by the United States government the people of Texas were solicitous to have him pay them a visit.

They were not moved by idle curiosity, they were anxious to show the love and respect they bore him. This kindly feeling and respect was reciprocated by him. He knew them as brave soldiers in the early settlement of the Republic, he had witnessed their gallantry in the war between the United States and Mexico, and later in the war between the States, and thus drawn toward them he invariably replied to their solicitations that as soon as a favorable opportunity offered he would visit the people he had ever held in such high regard. Finally in May, 1875, a committee of citizens invited him to visit the State during the fair at Houston. The following characteristic reply was received:

VICKSBURG, Miss., May 5, 1875.

COL. F. R. LUBBOCK:

My Dear Sir:—I am engaged in a matter of much importance to me and of no little complexity. If it is possible for me to arrange matters so that I can leave, it will give me sincere pleasure to meet the good people of Texas, whose kindness impresses me with heartfelt gratitude.

As heretofore, I am compelled to say, do not expect me, but if I do not go the regret will surely be deeper on my part than I can suppose it will be on that of others. As ever truly, your friend,

JEFFERSON DAVIS.

He came, however, on a very short notice to the committee. He was received at Galveston with marked respect and attention, although he arrived on Sunday, and attended divine services at the Episcopal Church during the day. The next morning he proceeded to Houston. The notice of his coming was very short, but thousands thronged the city to meet their illustrious ex President, and never was an arrival marked by stronger demonstrations of love and affection from a people. His address at the fair grounds captivated his hearers, old and young. The Association of Veterans of the Texas Revolution were present.

He spoke to them specially and the old men grew wild at his magnificent tribute to them, as he enumerated the wonderful results they had achieved in giving to the country the great state of Texas. A very touching incident occurred while he was in that city. The survivors of the "Davis Guard," a company composed entirely of "Irishmen," desired to call on him in a body. He accorded them an interview. The writer of this with a few other citizens were present. It was a scene never to be forgotten. He made them a short speech, in which he referred to their brave conduct in defence of their adopted state. That gallant band of warm hearts and strong arms, each and every one, shook the hand of their president, as they called him, and not a dry eye was there among all those sturdy men as they parted from him. This company of forty-two men is mentioned in "Davis' Rise and Fall of the Confederate States," volume 1, pages 236 and 240, as having performed one of the greatest feats during the entire war resulting in saving Texas from invasion and probable destruction. The people appeared loath to part with him, but he had to journey on. In passing through the country to Austin, at every town and station the citizens assembled in great numbers, and as he would appear upon the platform of the car, in response to their call, great cheering and hearty greeting came from an admiring people. The train was behind time in reaching Austin, the capital of Texas. It was raining, but men, women and children stood where they had been for hours. They had improvised torchlights and waited for the train, that they might obtain a glimpse of their loved chief. He was received by the military, and escorted to his quarters, where he was met by the Governor of the State and others.

The next day thousands of men, women and children called to shake his hand, and tell him how they honored and loved him. While at the seat of government he had every attention that could be shown him. His reception in Austin will never be forgotten, even by the little children that took part in it.

The people having heard of his coming, his trip from Austin to Dallas was like a triumphal march. Never before or since has such an outpouring of the people been seen in Texas. Arriving at Dallas he was received by the

military, civic associations, and an immense concourse of people, and his stay while in that city was one continued ovation, men, women and children were never satisfied until they had an opportunity of seeing their honored guest, and mothers were proud to have him lay his hands upon their children by way of recognition.

The people from every part of the State were sending committees for him to visit their particular section or town. He, however, found it necessary from constant excitement and fatigue, to leave for his home in Memphis. On his way thither at Marshall, Texas, he was accorded the same hearty welcome and complimentary attention that had been given him during his entire journey through the country. In fact, he was entertained and honored throughout the State more like a victorious General passing through the country on a triumphal march, after winning great battles, than a disfranchised citizen, the representative of a lost cause, with no emoluments or gifts to bestow, nothing being left him but his honor, his great brain and his true and noble heart beating and hoping for the prosperity and happiness of his people.

After he passed the borders of the state he was quite exhausted from his extended travel and hand shaking. This trip made a lasting impression upon him. He loved to dwell on his visit to the "Lone Star State," and the welcome he received while there. It was the first really grand ovation that had been given him after the surrender of the armies of the Confederate states. My heart beats proudly when I think my state should be the first to honor the man not for his success and the honors he had to bestow, but for the cause he represented and his own personal worth. Moreover, during his stay with us offers came from various localities tendering him a suitable and comfortable home if he would but consent to remain or return to the state. These offers he politely declined, as he had previously those of the same character from other states. Of late years he had many pressing invitations to visit Texas again. Circumstances prevented his coming.

VISIT OF TEXIANS TO MR. DAVIS.

I have described his visit to our home in 1875. Now I will tell you about a visit made by a party of Texians to his home in Mississippi during the exposition at New Orleans.

Having stated to a friend or two that I intended visiting Mr. Davis, it was mentioned at the hotel late in the evening, and on the following morning fifty five Texians were at the train, (a few ladies among them.) Governor Ireland and the present Governor James S. Hogg were of the party. Arriving at Beauvoir, the home of Mr. Davis, we were received by him and his peerless wife with great courtesy and kindness. We were welcomed as Texians, the people of that state, that had showered upon him the honor and hospitality, and I venture to assert that every one of that party left delighted to have seen and taken by the hand the dignified master of Beauvoir. He recalled that visit many a time with pleasure, so appreciative was he of the attention of the company in going so far to see him.

Gentlemen of the Senate:

The donors of this portrait of Mr. Davis desire to place it in your chamber "to preserve his face to future generations." These are their words.

That is good, and you must endeavor to plant the truth, the whole truth and nothing but the truth about him in their memory. In order to do this, you must take notice, as Mr. Reelphath, the historian, says, that there are two Jefferson Davises in history. I quote a paragraph from his pen:

Lest any foreigner shall read this article, let me say for his benefit that there are two Jefferson Davises in history—one is a conspirator, a rebel, a traitor and the fiend of Andersonville. He is a myth evolved from the hell smoke of cruel war as purely imaginary a personage as Mephistopheles or the Hebrew devil; the other was a statesman with clean hands and pure heart, who served his people faithfully from building manhood to hoary age, without thought of self, with unbending integrity and to the best of his great ability he was a man of whom all his countrymen who knew him personally without distinction of creed, political, are proud and proud that he was their countryman." Now I am willing to do my share of the teaching for the benefit of future generations. I speak from my own knowledge, and cannot permit the present opportunity to pass without placing upon record a positive denial of the assertion that Mr. Davis was cruel to Federal prisoners.

FEDERAL PRISONERS.

No man on earth more than Mr.

Davis desired to see prisoners supplied with necessaries, and to have them exchanged as rapidly as possible. It must be borne in mind that it was almost impossible at times for the Confederate states to feed their armies, and in very many instances from the vigorous blockades kept up, it became impossible to get the necessary food and medicines for the sick. The families of the citizen soldiery near the battle-field, frequently suffered for the necessities of life. The Confederate states were in no way responsible for the non exchange of prisoners.

Medicines were declared contrabands of war. Such a urgent necessity existed at one time for medicines that Confederate government offered to make purchase of medicine from the United States authorities, to be used exclusively for the relief of Federal prisoners. They offered to pay gold cotton or tobacco for them, and even two or three prices if required.

At the same time assurances were given that the medicines would be used exclusively in the treatment of Federal prisoners, and moreover, agreed that if it was insisted on, that such medicines might be brought into the Confederate lines by the United States surgeons, and disposed of by them. To this offer, as incredible as it may appear, no reply was ever received. On January 2, 1863, Mr. Davis, says Mr. Alex H. Stephens, Vice President, received full authority, and with entire co-intelligence between them, undertook the mission to Washington to insure the observance of the cartel and otherwise promote, as far possible, humanity in the existing war. He was traveling under a flag of truce; stated in general terms the object of his mission, and asked permission to proceed to Washington. The officer telegraphed to his government at Washington, and was answered: "The request is inadmissible," etc. A single paragraph from the letter borne by Mr. Stephens will indicate the general object of his mission:

"My whole purpose is to place this war on the footing of such as are waged by civilized people in modern time, and to divest it of the savage character which has been imposed on it by our enemies in spite of all our efforts and protests.

War is full enough of unavoidable horrors, under all its aspects, to justify

and even demand of any christian ruler, who may be unhappily engaged in carrying it on, to seek to restrict its calamities and to divest it of all unnecessary severities."

Colonel Ould in July, 1863, wrote to Lieutenant-Colonel Ludlow, United States commissioner of exchange, thus:

Although you have many thousands of our soldiers now in confinement in your prisons, and especially in the horrible hold of death, Fort Delaware, you have not, for several weeks, sent us any prisoners. During those weeks you have dispatched Capt. Mulford with the steamer "New York" to City Point three or four times without any provisions. I ask you with no purpose of disrespect, what can you think of this covert attempt to secure the delivery of all your prisoners in our hands without the release of those of ours who are languishing in hopeless misery in your prisons and dungeons?

ROBERT OULD,

Commissioner of Exchange.

Mr Davis when writing to Gen. Lee for report as to his failure to get proper exchanges, received only for answer his frequent reply.

"We have done everything in our power to mitigate the suffering of prisoners, and there is no just cause of further responsibility on our part."

Why pursue this subject further? Suffice it to say, that hundreds of pages could be furnished showing that President Davis did all that man could do toward caring properly for federal prisoners, and sought in every possible way to obtain prompt exchanges.

History shows that the United States prisoners held by the Confederate states were	270,000
Confederate prisoners held by United States were	220,000
United States prisoners died in Confederate hands	22,000
Confederate prisoners died in United States hands	26,000

Thus it appears that the Confederates, with an excess of 50,000 prisoners, had 4000 less deaths.

Why should this have been so—with all of the advantages with the United States in having plenty and good food and medical attentions? Where should the censure rest?

CHARGE OF TREASON.

Now, right here about that charge of treason, I must say a few words.

Soon after Mr. Davis' capture rumors of every kind were rife in the land. He was to be tried by a drum head court martial at once as accessory to the murder of Abraham Lincoln, and also

for high treason. The charge as to his connection in any way with the death of Mr. Lincoln was so revolting and absurd among those of the north that knew Mr. Davis' character, that it soon was hushed and given up. Then they must prepare for his special trial for treason, and he was denounced over the land as a traitor. His case was immediately taken charge of by Mr. O'Connor, of New York, and other distinguished lawyers. They soon had his case ready for trial under the indictment found. After two years of weary discomfort and incarceration at Fortress Monroe, he was bailed and permitted to leave the United States and when it was finally announced that he would be tried, he appeared in court more than willing to answer to every charge, when without much ceremony he was discharged, his bondsmen released and he permitted to go free. It is well authenticated that Chief Justice Chase declared that he could not be convicted of treason and the government of the United States determined wisely not to make the issue.

Thus should have been put to rest forever, the charge of treason, and the time will come when history will blot out the epithet of traitor so blatantly used by politicians and others of the present day, who have never yet comprehended the situation at the time of the separation of the States.

The time has not yet come however, for it was only the other day, just the day before you passed your resolutions in the Senate, I clipped from the Houston Post, of February 18, 1891, the paragraph copied by them from the Illinois State Journal.

"The Fort Worth Gazette says the first monument to the honor, integrity, statesmanship, and manhood of Jefferson Davis is about to be unveiled at Pensacola, Florida." The Gazette glorifies the occasion to the extent of half a column.

"The affection of the South for the leader of the lost cause is possibly natural, but the erection of monuments to exploit treason is a matter of doubtful propriety."

Now, right here I will give you the words of Mr. Davis:

"A traitor is one who violates his allegiance, and betrays his country."

"A rebel is one who revolts from the country to which he owes allegiance."

He held that his allegiance was due to his State, and was loyal to his State in following her fortunes after

she withdrew from the Union. "A citizen's allegiance to the Federal government comes only through his allegiance to his State, for the Federal government was only the agent of the States which formed it, and they never surrendered their sovereignty to it."

Mr. Davis was often charged with obstinacy and hatred towards the government, because he failed to petition for pardon and his restoration to citizenship. Those making this charge failed to estimate the character of this model man. He was conscious of having perpetrated no wrong; to ask pardon would imply that he had been guilty of crimes towards the government of the United States, which was sufficient to determine him as to his course, and above all, he was the representative of millions of devoted men and women who believed with him that he was suffering vicarious punishment for them, and his noble soul would not permit him to brand them either as traitors or rebels, but to stand firmly and dignifiedly on the assertion that they were a free and sovereign people.

Yes, Gentlemen of the Legislature, let us understand this matter well ourselves and then hand down the truth to our children that a man could be charged with treason and yet be "a statesman with clean hands and pure heart." We all know that eighteen hundred years ago Jesus of Nazareth was brought before the high priest, accused of blasphemy by the very nation that possessed the greatest religious knowledge of the times and yet today he is the prophet, priest and king of the most intelligent nations of the earth. He is our light in religion and our hope of heaven. And in this generation Jefferson Davis is charged with treason by a government whose people above all are the most enlightened in the science of government, when we all do know how true he was in his allegiance to the constitution. Then let us build monuments to his memory and hand down his political teachings to our children that they may understand how to preserve for their own happiness and prosperity a government of the people, by the people, and for the people.

The citizens of Washington county are on that line now, when they ask you, gentlemen of the Senate, to place that portrait in your chamber. Though silent, it will teach great political truths to us and future generations.

In reference to the capture of Jefferson Davis near Irwinsville, Southern Georgia, ex-Gov. Lubbock said:

So many versions have been given of the capture of Jefferson Davis that at the expense of fatiguing you, my friends, I must reproduce here a letter written by me for the Southern Historical papers on August 2, 1877. It occurs to me to do so because I was asked a few days ago by a gentleman in high position in the state government if President Davis was captured in a woman's dress. As you all know, I was with him on that occasion, and I have in my memory that exciting journey from Richmond; but I only wish to set at rest once again this idle tale that even some of our own people may believe. Here is the letter:

GALVESTON, Aug 2, 1877.

Maj. W. T. Walthall:

DEAR SIR: Yours of the 28th came to hand a day or two since, finding me very busy. At the earliest moment I perused the article you alluded to in your letter, which appeared in the Weekly Times of Philadelphia of July 7.

It does really appear that certain parties with a view of keeping themselves before the public will continue to write the most base, calumnious and slanderous articles calculated to keep the wounds of the past open and sore. Such a writer now appears in Gen. James H. Wilson whose sole aim seems to be that of traducing and misrepresenting the circumstances of the capture of President Davis and his small party who, as it appears, was pursued by some 15,000 gallant soldiers commanded by this distinguished General (Wilson). I shall leave it to you and others better qualified than myself to reply to this chapter of the "Unwritten History of the War."

I have this, however, to say: I left Richmond with President Davis in the same car and from that day to the time of our separation, he being detained at Fortress Monroe and I sent to Fort Delaware, he was seldom out of my sight day or night. The night before the morning of our capture Col. William Preston Johnson slept very near the tent of Mrs. Davis, with whose party (Mrs. Davis') we had accidentally fallen in. Mr. Davis and his party had no tents. But Mr. Davis was in Mrs. Davis' tent that night. Col. John Taylor Ward and myself were under a pine tree some fifty or one hundred feet off. Just before day a light rain falling, and very cold. I immediately prepared for an engagement and was ready in a few moments with my horse saddled for a move. Very soon

our camp was surrounded by mounted men. I was commanded to surrender and an attempt was made to rob me. I refused to give up my things, such as saddle bags, Mexican blanket, etc. The firing continued. I abused those Federal soldiers around me and told them they had better repair to the firing and stop it, as they were slaughtering their own men. As soon as there was sufficient light they discovered that they had been fighting with their own soldiers and had killed and wounded quite a number. In a few moments I joined Mr. Davis and his family. I saw nothing of any attempted disguise, neither did I hear anything of it until some time after I had been in Fort Delaware. I then pronounced it a base falsehood. We were guarded by the 4th Michigan cavalry, commanded by Col. Prichard, until we reached Fortress Monroe. I talked freely with officers and men and on no occasion did I hear anything of the kind mentioned. Judge Reagan and myself had made a compact that we would never desert or leave Mr. Davis, remaining to contribute if possible to his comfort and well being and to share his fortunes whatever might befall. My bed mate, Col. J. T. Wood, one of the bravest and purest of men, having been a naval officer of the United States, and having been charged with a violation of the laws of nations in certain captures he had made, deemed it prudent to make his escape. He informed me of his intentions and invited me to accompany him. I declined to avail myself of the favorable opportunity presented, telling him of my compact with Judge Reagan. He did make good his escape, landing in Cuba with Gen. Breckenridge and Mr. Benjamin, members of the Davis cabinet. The conduct of the captors on that occasion (the capture) was indeed by anything but decency and soldierly bearing. They found no preparation for defense and encountered no resistance whatever. Mr. Davis, Judge Reagan, Col. Wm. Preston Johnson, Col. John Taylorwood, a young soldier, Barnwell of South Carolina, who also escaped, and myself, constituted the president's party. Col. Barton N. Harrison, the private secretary of the president, and a few paroled soldiers, were with Mrs. Davis and her family, protecting them with their baggage, etc. Upon taking the camp they plundered and robbed every one of all and every article they could get hold of. They stole the watches, jewelry, money, clothing, etc. I was the only one of the party not robbed. The

man and patriot who, but a few days before, was at the head of a government was robbed by his captors with uncalled for indignity, so much so that I became completely exasperated and unbinged and demanded of the officers to protect him from insult, threatening to kill the parties engaged in such conduct. Mrs. Davis was robbed of her horses, her own personal property presented to her by the people of Richmond. The money for which she sold valuables, jewelry, silverware, etc., was stolen and no effort was made to have it returned to her. Time and time again it was promised that the watches, money, etc., stolen should be returned, that the command would be paraded and the stolen property returned to the owners. But it was never done, nor any attempt made to do so. A Capt. Douglas stole Judge Reagan's saddle and used it from the day we were captured. They appropriated our horses and other property.

But, why dwell upon this wretchedly disagreeable subject? I hope and pray that the whole truth will some day be written, and I feel assured when it is done we of the south will stand to all time a vindicated people. As for him, who is the target for all of these miserable scribblers and those unscrupulous and corrupt men living on the abuse heaped on the southern people, fanning the embers of the late war, when he (Davis) is gone from hence history will write him as one of the truest and purest of men, a dignified and bold soldier, an intelligent statesman, a man whose whole aim in life was to benefit his country and his people. I knew him well. I have been with him in prosperity and adversity, and have ever found him good and true. How wretched the spirit that will continue to traduce such a man. How miserable and contemptible the party that will refuse to recognize such a man as a citizen of the country, in whose defense his best days were spent and his blood freely shed.

I have the honor to be, Yours Respectfully,

F. R. LUBBOCK.

The above letter was sustained by papers from Colonels Johnston Wood and Harrison of the President's staff, and the Hon. John H. Reagan, postmaster-general of the Confederate States.

James H. Parker of Elbernsville, Pa., in writing to the Argus of Portland, Or., in speaking of Mr. Davis says:

When it was known that he was certainly taken some newspaper correspondent,

(I knew his name at the time) fabricated the story about his disguise in an old woman's dress. I heard the whole matter talked over as a good joke and the officers who knew better never took the trouble to deny it. Perhaps they thought the Confederate president deserved all the contempt that could be put upon him. I thought so, too, only I never would perpetrate a falsehood that by any means would become history. And further, I never would slander a woman who has shown so much devotion as Mrs. Davis has to her husband. No matter how wicked he is or may have been, I defy any person to find a single officer or soldier who was present at the capture of Jefferson Davis who will say upon honor he was disguised in women's clothes, or that his wife acted in any way unladylike or undignified on that occasion. I go for trying him for his crimes, and if he is found guilty punish him.

But I would not lie about him when the truth will make it bad enough.

T. H. Peabody, a lawyer of St. Louis, one of the captors of Mr. Davis, in a speech before Ransom Post, G. A. R., a few days after the death of Mr. Davis said:

"Jefferson Davis was captured by the Fourth Michigan cavalry on the early morning of May 10, 1865, at Irwinsville, in southern Georgia. With him were Mr. Reagan of Texas, his postmaster general, Capt. Moody of Mississippi, an old neighbor of the Davis family, Gov. Lubbock of Texas, Col. Harrison and Johnston of his staff, Mrs. Davis and her four children—Maggie aged 10, Jeff 8, Willie 5 and a girl baby (Winnie), a brother and sister of Mr. Davis, a white and one colored servant woman, a small force of cavalry, a few others, a small train of horses, mules, wagons and ambulance. Among the horses was a span of carriage horses presented to Mrs. Davis by citizens of Richmond during the heyday of the confederacy. Also a splendid saddle horse, the pride of the ex president himself, on the 11th day of May, the next day after the capture, and while on our way back to Macon, as officer of the guard over the distinguished prisoner, I rode by the side of Mr. Reagan, now senator from Texas, I found him a very fine gentleman. During that day's march a courier from Macon notified us in printed slips of the \$100,000 reward offered for Mr. Davis' capture, which notice connected Mr. Davis with the assassination of President Lincoln. When Mr. Reagan read the notice he earnestly protested that Mr. Davis had no connection whatever with the sorrowful affair. History has shown

he had none. Besides the suit of men's clothes worn by Mr. Davis he had on when captured Mrs. Davis' large waterproof cloak or robe, thrown on over his fine gray suit and a blanket shawl thrown over his head and shoulders. This shawl and robe were finally deposited in the archives of the war department at Washington by order of Secretary Stanton.

The story of the hoopskirt, sun bonnet and calico wrapper has no real existence and was started in the fertile brain of the reporters and in the illustrated papers of the day."

In conclusion Gov. Lubbock said:

"I would say only a few words about his departure from us. I had prayed providence in his kindness that should I survive my grand old chief so dearly loved that I might have health and strength to pay the last sad duty of respect and love to him. This was granted to me. I was a chosen pall bearer and followed him to his last resting place. I had been with him on many a journey at home and abroad, in peace and in war, in victory and defeat, while in high positions of state and as disfranchised citizens and the estimate I placed upon the man was in keeping with the princely obsequies made for him by the people of the South. It was a grand sight to behold—the vast throngs that had gathered from all parts of the country to view the remains of the distinguished dead. It seemed as though providence had brought him to die in the great city of the south, so approachable from every portion of the union, but gave the most lovely day for the ceremonies. Never has there been gathered so many thousand of mourners at the burial of a mortal man.

I do not know how better I can conclude my remarks than to repeat what I said at the mass meeting of the Confederate Veterans on the day of the burial:

Honorable Commander—What can I add to the beautiful and patriotic speeches that have been made tonight by the distinguished veterans assembled to do honor to the memory of our illustrious chieftain. I must venture however, to utter a few words to give belief to my aching heart. Standing in the grand rotunda of the capitol at Austin, Texas, when the news was announced that Jefferson Davis had passed over the river, from the fullness of my heart I said: Jefferson Davis dead! Then the light of the greatest and best man of the century has been extinguished. Jefferson Davis! the embodiment of patriotism, the true soldier, the intelligent statesman, the ripe scholar, the refined gentleman, and above all

the earnest follower of Christ. Sir! it was my good fortune to be most intimately connected with this great and noble man. From this association I soon learned to love him for his noble manhood, his devotion to his country, his earnestness in the discharge of the great trusts committed to his hands by a devoted and admiring people, and for his tender care of those connected with him, his suavity to his inferiors in rank, his fair dealings in all things with all men. I took pleasure in being near him and listening to his conversation so full of intelligence, so chaste, so elegant, and there was soul in it all. My comrades, he was a grand man, the greatest all in all this country has produced. They say he is dead comrades. He is beyond our sight, but he is not dead. He lives with Lee, Stonewall Jackson and Albert Sydney Johnson and others of our great and pure men. As the distinguished bishop said today, when on the December midnight the born warrior joined the ranks of the patient and prevailing ones, who loved their land with love for right. If one of the mighty dead gave the challenge, art thou of us, he answered: "I am here." Yes, we all know such as he make up the kingdom of heaven. He is not dead. He lives a higher life above. He is not dead, though we have laid him in the tomb. For he lives in our hearts and he will ever live in the hearts of our children.

(At the moment of presentation the portrait was unveiled by Miss Ima Hogg.)

The President received the portrait in the name of the Senate in the following address:

LIEUT. GOV. PENDLETON'S SPEECH.

In behalf of the senate I accept with gratitude this beautiful portrait of a man who was the most prominent exponent of the Southern construction of the constitution, and who was their trusted leader when, despairing of justice from their Northern brethren, they determined to snap the cords that bound them to the Federal Union, and trust for success to justice of their cause, and if need be to the God of battles.

To write the history of Jefferson Davis during his public course would for the same period be to write the history of the country, for no man ever rose more rapidly in public esteem. Entering the senate in 1847, when the agitation of the slavery question had been revived from a long sleep by the proposition of Daniel Wilmot that no territory secured from Mexico by the war then in progress would

be permitted to have slavery within its borders.

This and other encroachments on the rights of the south he firmly resisted and denounced. The southern people looked upon the institution of slavery as an evil, but not a crime. It was recognized and protected by the constitutional compact, and they only asked that in the new territory of the United States gained by the blood and treasure of all the people, that all the people should have equal rights to carry their property including slaves into them, these to be protected and enjoyed until the territory should assume the rights of statehood. For this view the southern statesmen earnestly contended, and it was as earnestly denied by a majority of the northern people. So such has been forgotten and so much false history has been taught that doubtless many of our young men think that Mr. Davis, and our people rushed madly and heedlessly into secession without provocation, or at least without sufficient provocation. It is with no desire to kindle again the fires of sectional strife or to revive that bitterness which under the benign influence of peace and social, commercial and protective intercourse is rapidly disappearing, but to vindicate the motive which impelled the people of the South to sever those ties of union so dear to them, that I desire to discuss briefly the causes which led to our unfortunate civil contest.

Twelve of the thirteen states had slavery at the beginning of the revolutionary war. It was confirmed and protected by the Federal constitution of 1787, and slave owners were allowed to reclaim their slaves when they escaped into the free states, yet the South did not seek to force it on unwilling communities, and Virginia having in 1784 given of slave territory to the confederation all that section south of the Ohio now included in the great states of Ohio, Indiana, Illinois, Michigan and Wisconsin cheerfully voted in 1787 to prohibit slavery within its limits. This was the first great concession made by the South. In 1803 by a treaty with France the United States secured Louisiana which included the present state of that name, Arkansas, Indian Territory, Missouri and all the country between latitude 42 and the British possessions and the Pacific ocean, truly an empire. In 1820 Missouri asked admission into the Union with slavery in her constitution. Her admission was strenuously contested and only secured by a compromise in which the South, for the sake of peace sacrificed her rights by consenting that thereafter

all territory north of latitude 36 30 should be perpetually free, and all south of that line should be slave or free as the people might determine when they assumed the functions of statehood. The good effects of this concession were seen and felt for many years, and but little occurred to mar sectional harmony until about the time that Mr. Davis entered congress, when governments were to be provided for the new territory taken from Mexico.

The free soilers domineering and overbearing, flushed with past success, and confident of their strength demanded all. Mr. Davis and the southern leaders reminded them that the south had surrendered to northern institutions all that country which she could have held for slavery north of the Ohio and parallel thirty and one-half degrees, from Pennsylvania to the Pacific ocean, they appealed to their love of union, to their magnanimity and sense of justice, and asked that their people might carry their slaves into this territory and have the equal protection of the law until the people by their constitution should decide the question of freedom or slavery. To stay the agitation the compromise of 1850 was adopted, which admitted California as a free state and created the territories of New Mexico and Utah without any stipulations on the subject of slavery.

This law Mr. Davis opposed, believing it was a compromise from which one section derived all the benefit.

The law of 1793, reinforced by the law of 1851, allowed Southern masters to claim their runaway slaves, and required the Federal and state authorities to aid them. This law was repudiated by fourteen states whose legislatures passed what were known as personal liberty laws fining and imprisoning any citizen who should aid the federal authority in recovering runaway slaves. And we can see now how much respect they paid to the constitution and the laws which they had sworn to obey, when obedience conflicted with their principles. Our leaders vainly appealed to the constitution and sought some security in the Union for their guaranteed rights. Following this course the organization of anti-slavery and emigrant aid societies to aid persons from the southern states to settle in the new acquired territory, and drive out slavery as they avowed "to form a cordon of fire around the South."

In 1850 the United States Supreme Court in the Dred Scott case decided that the southern view of the constitution was correct. That slaves were not citizens but property, and that any owner of

slaves could carry them into any territory of the United States, and that it was the duty of congress to protect their ownership, until the territories became states. This was all the south ever claimed, but the decision was indignantly repudiated by the free soil party, and the judges were denounced as minions of the slave power. It was asserted that there was higher law than the constitution, and William Lloyd Harrison denounced it as a "League with hell and covenant with death," and the Republican National Convention of 1850 said: "That we deny the authority of congress of a territorial legislature, and of any individual or association of individuals to give legal existence to slavery in any territory of the United States while the present constitution shall be maintained." Their convention of 1850 held the same language. To these bold and open defiances of the constitution Mr. Davis said we do not propose to discuss the abstract question of slavery; it is recognized and protected by the constitution which is the bond that connects us in a political compact and if you are not going to obey the constitution as construed by our higher courts, then you have yourself severed the ties that bind us in a constitutional union. During all these years of political conflict, Mr. Davis while defending the rights of the states and the interests of his people did not despair of finding some common ground upon which all the people could stand, that would secure the rights of the South and preserve the Union.

While holding firmly and tenaciously to those principles which he believed to be the bed rock of constitutional liberty he avowed his love for the Union of our fathers, and implored for a measure of that justice which must prevail if men are to be equal partners in a political compact. In his speech on the Oregon question he said: "From sire to son has descended this love of union in our hearts, as in our history are mingled the names of Concord and Camden, of Yorktown and Saratoga, and New Orleans and Bunker hill; grouped together they form a monument to the common glory of our common country, and where is the Southern man who would wish that monument were less by one of the Northern names that constitute the mass." On another occasion he wrote, "I send you my cordial greeting to the friends of the constitution and asked to be enrolled among those mission is by fraternity and good faith to every constitutional obligation to insure that from Aroostook to San Diego from Key West to Puget Sound the

grand arch of our political temple shall remain unbroken."

In his speech at Portland in 1858 he said: "Tempered by the trials and sacrifices of the revolution, dignified by its noble purposes, devoted by its brilliant trials, endowed to each other by its glorious memories, they abandon the Confederacy not to fly apart when the outward presence of hostile fleets and armies was removed, but to draw closer their embrace in the formation of a more perfect union."

By such men thus trained and ennobled our constitution was framed. It stands a monument of principle, of forecast, and above all, of that liberality which made each willing to sacrifice local interests, individual prejudice or temporary good to the general welfare, and the perpetuity of the republican institutions which they had passed through fire and blood to secure. The grants were as broad as necessary for the general agents, and the mutual concessions were twice blessed, blessing him who gave and him who received. Whatever was necessary for domestic government, requisite in the social organization of each community, was returned by the state and the people thereof, and thus it was made the duty of all to defend and maintain.

In 1859 some fanatics headed by John Brown, impatient of the slow progress made by the Republican party toward that end which they all desired to secure to wit: the emancipation of the slaves, invaded the state of Virginia with a view of arming the slaves and exciting them to insurrection against their masters. They were captured, tried and condemned to be hung. This incident was like setting a spark to a magazine for the south was then ablaze with excitement. During all these exciting years of struggle and conflict Mr. Davis was constantly at his post begging for justice from the north and advising conservative action among his own people. He soon became the acknowledged leader of the southern democracy, and held that position as long as he remained in the senate.

Then came the election of 1860, and with it through Democratic division, the success of the Republican national ticket.

This event produced a profound sensation throughout the north, and the governors of several states called their legislatures together to determine their action. Mr. Davis begged for prudence and delay, to secure if possible some guarantee from congress that would avert the necessity for secession, or failing in this to bring about concert among all the slave states, so that

they would be in position to defend their cause from any attack. Soon after entering congress a committee on the state of the Union was created composed of members of both the Breckenridge and Douglass wings of the Democratic party of the old Whig party and of the Republican party. Mr. Davis was a member of this committee and said: "If in the opinion of others it be possible for me to do any thing for the public good the last moment while I stand here is at the command of the senate. If I could see any means by which I could avert the catastrophe of a struggle between the sections of the Union, my past life I hope gives evidence of the readiness with which I would make the effort." All the wings of this committee agreed to measures which would have passified the South and prevented the further spread of secession except the Republicans, who refused to make any concession. Then followed secession and war, and if our annals are ever written by an impartial historian we will declare that the responsibility for the destruction of life and property that followed belongs not to Mr. Davis or the South, which steadily refused all proffers of compromise, and refused to obey the constitution as construed by the supreme court.

In withdrawing from his seat in the senate after the secession of Mississippi he said: "In and in myself perhaps a type of the general feeling of my constituents toward yours." I am sure that I feel no hostility towards you, senators from the north. I am sure there is not one of you, whatever sharp discussion there may have been between us, to whom I cannot now say in the presence of my God, I wish you well, and such I am sure is the feeling of the people I represent toward those you represent."

Regarding him as our ablest, wisest, purest and most conservative statesman, and believing that he possessed many of the qualities of leadership either for peace or war than any other, he was unanimously chosen president of the new Union by the lawful vote, congress then in session at Montgomery. Still hoping for peace he said: "I enter upon the duties of the office to which I have been chosen with the hope that the beginning of our career as a Confederacy may not be obstructed by hostile opposition to our enjoyment of a separate existence and independence which we have asserted." The moment that this pretention (our subrogation) is abandoned, the sword will drop from our grasp, and we shall be ready to enter into treaties of amity and commerce. * * *

His life after the war has been already told you by our representative ex-governor, whose good fortune it was to be his intimate associate during that period, and his warm friend from that day until death.

The die is cast, that war is over, the negroes are free, the union remains. In asserting the truth and doing justice to the life and memory of Mr. Davis, we have no desire, and it is not our purpose to stir up sectional strife nor arouse opposition for the future. We recognize the immutability of the decision, and we propose in all this to abide it, but one right we have left, that is "to tell the truth." Truth does no man injustice and it cannot be answered by abuse or appeal to sectional prejudice.

We owe present duties to ourselves, to our state, and to the people of the whole Union, and a performance of those duties require us to cultivate a broad, catholic spirit. To know no North, no South, no East, no West, but to love our common country and all its people, to strive for liberty, justice and fraternity under the protecting folds of the Star Spangled Banner, but present duties do not require us to suppress the facts of history, and justice to ourselves, to our section and to our martyred dead, require that the truth should be told. So that we may go down to history, not as rebels, not as traitors, but as freemen struggling for a principle which we believed lay at the foundation of all good government. (Turning to the portrait). Rest in peace! May we cherish his memory and imitate his virtues.

Senator Tyler offered the following resolution, which was adopted by a rising vote:

SENATE CHAMBER,
Twenty-second Legislature,
Austin, Texas, March 7, 1890. }

Resolved: 1. That the thanks of the Senate are hereby tendered Messrs. B. Eldridge, C. C. Garrett, W. W. Searcy, D. C. Giddings, Jr., and Beauregard Bryan of Washington county, for the splendid portrait of Ex-President Jefferson Davis this evening presented to the Senate by the gentlemen herein mentioned.

2. That we have an abiding confidence in the loyalty of the people of Texas to the great principles of local self-government, for which Mr. Davis, by the fortunes of war, was made the vicarious sacrifice and that his patriotic devotion to his people and to his country whether as soldier, senator or president of the Confederacy, will be cherished in the hearts of our

people as long as truth has a votary and liberty a champion among the sons and daughters of the south.

3. That it is hereby ordered that said portrait be placed in the Senate chamber at the right of the President's chair to show to future generations the features of the South's greatest leader and America's greatest defender of constitutional liberty.

Adopted.

After a benediction by the chaplain of the House, Dr. Dodge, on motion of Mr. Owsley, the Representatives retired to their hall.

On motion of Senator Glascock, the Senate adjourned to 10 a. m. Monday

FORTY-SEVENTH DAY.

SENATE CHAMBER.

Austin, March 9, 1891.

Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answered to their names:

PRESENT—23.

Atlee,	Garwood,	Mott,
Burney,	Glascock,	Page,
Carter,	Harrison,	Pope,
Clark,	Kearby,	Seale,
Clemens,	Kimbrough,	Simkins,
Crane,	Lubbock,	Townsend,
Cranford,	Maetze,	Tyler,
Finch,	McKinney,	Whalley.
Frank,		

ABSENT—3.

Johnson, Potter, Stephens.

Prayer by the chaplain, Dr. Smoot.

Pending the reading of the journal, on motion of Senator Townsend, the further reading of the same was suspended.

PETITIONS AND MEMORIALS.

By Senator Garwood, for Senator Stephens, petition of citizens of Mason, San Saba and Gillespie counties, asking increase of appropriation for the ranger service in Texas.

Read first time and referred to committee on State affairs.

By Senator Garwood, for Senator Stephens, petition of citizens of Potter, Hartsford and other counties, asking increase of the appropriation for the ranger service in the State.

Read first time and referred to committee on State affairs.

The following reports were handed in from their respective committees:

Austin, March 7, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed

Bills have carefully examined and compared

Senate bill No. 313, being "An act for the relief of Wiley Thompson, C. Cannon, H. M. Jarrett, J. M. Brown, W. A. D. Armstrong, Frank Templeton and E. C. Dickinson from pecuniary liability as sureties on the official bond of William Neal Ramey as assistant superintendent of the Texas state penitentiary located at Rusk, Cherokee county, Texas."

And find the same correctly engrossed.

CARTER, Chairman.

COMMITTEE ROOM.

Austin, March 7, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate bill No. 320, being "An act to amend article 543, chapter 11, title 17, of the revised civil statutes of the State of Texas."

And find the same correctly engrossed.

CARTER, Chairman.

COMMITTEE ROOM.

Austin, March 7, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 67, being "An act to prevent the acquirement of title to land by ten years possession of same under certain circumstances."

And find the same correctly engrossed.

CARTER, Chairman

Austin, March 9, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on State Affairs to whom was referred the memorial of James J. Jones, of Victoria county, praying for the introduction of a bill in the Twenty-second Legislature allowing him to sue the state in order to determine the legal status of certain claims due the late Judge Fielding Jones, as district Judge of the counties of Victoria, DeWitt, Goehard and other counties composing the judicial district, during the years 1862 and 1863.

Have had the same under consideration, and I am instructed to report that the committee, after careful investigation, have drawn a bill granting the prayer of the petitioner;